



1997 ASSEMBLY BILL 971

April 30, 1998 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary.

1 **AN ACT relating to:** repealing, consolidating, renumbering, amending and
2 revising various provisions of the statutes for the purpose of correcting errors,
3 supplying omissions, correcting and clarifying references and eliminating
4 defects, anachronisms, conflicts, ambiguities and obsolete provisions. (Section
5 13.93 (2) (i) Revision Bill).

Analysis by the Legislative Reference Bureau

This bill is drafted pursuant to s. 13.93 (2) (j), stats., for the purpose of modernizing statutory structure and language and increasing conformity with current drafting style in order to improve user readability and accessibility. Throughout this bill the word form of numbers are replaced by digits, disfavored language is replaced with preferred terms and spellings, long sentences and statutory units are subdivided or otherwise shortened and nonspecific articles and references are replaced. Some punctuation is changed to accommodate the other changes. NOTES provided by the revisor of statutes bureau in the body of the bill indicate treatments made to the specific statutory units. No substantive changes are intended.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 30.33 (1) of the statutes is amended to read:
7 30.33 (1) BOARD TO HAVE POWERS OF RAILROAD CORPORATION. Any municipality
8 operating a public harbor through a board of harbor commissioners may, through

1 such board, construct, maintain or operate railway facilities or a harbor belt line
2 connecting various harbor facilities with one another or with other railroads within
3 the municipality or its vicinity. The board of harbor commissioners is granted all of
4 the rights, powers and privileges conferred upon railroad corporations by ~~s.~~ ss.
5 190.02 and 190.025 (3), except such rights, powers and privileges as are conferred
6 upon railroad corporations by s. 190.02 (9). Such facilities or belt line may be
7 constructed, maintained or operated partly outside the corporate limits of the
8 municipality. In constructing, maintaining or operating such facilities or belt line,
9 the board of harbor commissioners has the powers and privileges of railroad
10 corporations and shall be subject to the same restrictions as railroad corporations
11 and to the supervision of the office of the commissioner of railroads, except as to the
12 system of accounting and the payment of wages to employes.

NOTE: Section 190.02 (12) is renumbered to s. 190.025 (3) by this bill.

13 **SECTION 2.** 134.245 of the statutes is created to read:

14 **134.245 Definitions.** In ss. 134.25 to 134.32:

15 (1) "Marked" means stamped, branded, engraved or imprinted upon, attached
16 to a tag, card or label which is stamped, branded, engraved or imprinted upon, or
17 contained in a box, package, cover or wrapper which is stamped, branded, engraved
18 or imprinted upon.

19 (2) "Person" means an individual, firm, corporation or association.

20 (3) "Sells" includes making for sale, selling, offering to sell or dispose of, or
21 possessing with intent to sell or dispose of.

NOTE: Creates definitions provision to simplify ss. 134.25 to 134.32.

22 **SECTION 3.** 134.25 (1) of the statutes is renumbered 134.25 (1) (a) and amended
23 to read:

1 134.25 (1) (a) ~~Any~~ Except as provided in par. (b) and subject to sub. (3), any
2 person, firm, corporation or association, who or which makes for sale, or sells, or
3 offers to sell or dispose of, or has in his, her or its possession with intent to sell or
4 dispose of, who sells any article of merchandise made in whole or in part of gold or
5 any alloy of gold, ~~and having stamped, branded, engraved or imprinted thereon, or~~
6 upon any tag, card or label attached thereto, or upon any box, package, cover or
7 wrapper in which said article is encased or enclosed that is marked in any mark, way
8 indicating, or designed or intended to indicate, that the gold or alloy of gold in such
9 the article is of a greater degree of fineness than the actual fineness or quality of such
10 the gold or alloy, ~~unless the actual fineness of such gold or alloy, in the case of flat~~
11 ware and watch cases, be not less by more than three one-thousandths parts, and
12 in the case of all other articles be not less by more than one-half karat than the
13 fineness indicated by the marks stamped, branded, engraved or imprinted upon any
14 part of such article, or upon any tag, card or label attached thereto, or upon any box,
15 package, cover or wrapper in which such article is encased or enclosed, according to
16 the standards and subject to the qualifications hereinafter set forth, is guilty of a
17 misdemeanor.

NOTE: Deletes redundant language, replaces parentheses and inserts specific references. Simplifies structure by making long phrases definitions under s. 134.245 and making exception to liability a separate par. (b). See also the previous and next sections of this bill.

18 **SECTION 4.** 134.25 (1) (b) of the statutes is created to read:

19 134.25 (1) (b) Paragraph (a) is not violated if the actual fineness of the gold or
20 alloy in the article meets any of the following conditions:

21 1. The actual fineness is not less, by more than three one-thousandths parts
22 in the case of flatware and watch cases, than the fineness actually marked on the
23 article.

1 2. The actual fineness is not less, by more than one-half karat, than the
2 fineness actually marked on the article in the case of all articles not specified in subd.
3 1.

NOTE: Moves liability exception to separate provision to simplify s. 134.25

4 **SECTION 5.** 134.25 (2) and (3) of the statutes are amended to read:

5 134.25 (2) In any test ~~for the ascertainment of~~ to determine the fineness of the
6 gold or its alloy in any ~~such~~ article, according to the ~~foregoing~~ standards set forth in
7 this section, the part of the gold or ~~of its~~ gold alloy taken for the test, ~~analysis or assay~~
8 ~~shall be such part or portion as~~ does not contain or have attached thereto to it any
9 solder or alloy of inferior fineness used for brazing or uniting the parts of ~~said the~~
10 article.

11 (3) ~~In addition to the foregoing tests and standards, that the~~ The actual
12 fineness of the entire quantity of gold and ~~of its~~ gold alloys contained in any article
13 mentioned in this section (~~, except watch cases and flat ware~~) flatware, including all
14 solder or alloy of inferior metal used for brazing or uniting the parts of the article (~~all~~
15 ~~such gold, alloys and solder being assayed as one piece~~), shall not be less, by more
16 than one karat, than the fineness indicated by the mark ~~stamped, branded, engraved~~
17 ~~or imprinted upon such~~ marked on the article, or upon any tag, card or label attached
18 ~~thereto, or upon any box, package, cover or wrapper in which said article is encased~~
19 ~~or enclosed.~~ In determining the quality of gold and gold alloys for purposes of this
20 subsection, the gold, alloys and solder being tested shall be tested as one piece.

NOTE: Replaces disfavored terminology and reorders text for greater readability
and conformity to current style.

21 **SECTION 6.** 134.26 of the statutes is amended to read:

22 **134.26 Misbranding of sterling silver articles.** (1) ~~Any~~ Except as provided
23 in sub. (2) and s. 134.29, any person, firm, corporation or association, who or which

1 makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession
2 with intent to sell or dispose of, who sells any article of merchandise made in whole
3 or in part of silver or of any alloy of silver and having marked, stamped, branded,
4 engraved or imprinted thereon, or upon any tag, card or label attached thereto or
5 upon any box, package, cover or wrapper in which said article is encased or enclosed,
6 with the words "sterling silver" or "sterling," or any colorable imitation thereof of
7 "sterling silver" or "sterling" unless nine hundred twenty-five one-thousandths of
8 the component parts of the metal appearing or purporting to be silver, ~~of which such~~
9 article is manufactured are pure silver, subject to the qualifications hereinafter set
10 forth, is guilty of a misdemeanor.

11 (2) In the case of all such articles that are subject to sub. (1), there shall be
12 allowed a divergence in fineness of four one-thousandths parts from the foregoing
13 standards under sub. (1).

NOTE: Deletes redundant language, reorders text, replaces parentheses and inserts
specific references and cross-references. Simplifies structure by making long phrases
definitions under s. 134.245.

14 **SECTION 7.** 134.27 of the statutes is amended to read:

15 **134.27 Misbranding of coin silver articles.** (1) Any Except as provided in
16 sub. (2) and s. 134.29, any person, firm, corporation or association, who or which
17 makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession
18 with intent to sell or dispose of, who sells any article of merchandise made in whole
19 or in part of silver or of any alloy of silver and having marked, stamped, branded,
20 engraved or imprinted thereon, or upon any tag, card or label attached thereto, or
21 upon any box, package, cover or wrapper in which such article is encased or enclosed,
22 with the words "coin" or "coin silver," or any colorable imitation thereof of "coin" or
23 "coin silver", unless nine hundred one-thousandths of the component parts of the

1 metal appearing or purporting to be silver, ~~of which such article is manufactured~~ are
2 pure silver, ~~subject to the qualifications hereinafter set forth,~~ is guilty of a
3 misdemeanor.

4 (2) In the case of all such articles that are subject to sub. (1), there shall be
5 allowed a divergence in fineness of four one-thousandths parts from the foregoing
6 standards under sub. (1).

NOTE: Deletes redundant language, replaces parentheses and inserts specific references and cross-references. Simplifies structure by making long phrases definitions under s. 134.245.

7 SECTION 8. 134.28 of the statutes is amended to read:

8 **134.28 Misbranding of base silver articles.** Any Except as provided in s.
9 134.29, any person, firm, corporation or association, who or which makes for sale, or
10 sells, or offers to sell or dispose of, or has in his, her or its possession with intent to
11 sell or dispose of, who sells any article of merchandise made in whole or in part of
12 silver or of any alloy of silver, ~~and having stamped, branded, engraved or imprinted~~
13 ~~thereon, or upon any tag, card or label attached thereto, or upon any box, package,~~
14 ~~cover or wrapper in which said article is encased or enclosed, any mark or word (~~
15 marked in way, other than with the word "sterling" or the word "coin"), indicating,
16 or designed or intended to indicate, that the silver or alloy of silver in said the article,
17 is of a greater degree of fineness than the actual fineness or quality of such the silver
18 or alloy, unless the actual fineness of the silver or alloy of silver of which said the
19 article is composed ~~be~~ is not less by more than four one-thousandths parts than the
20 actual fineness indicated ~~by the said mark or word (other than the word "sterling"~~
21 ~~or "coin") stamped, branded, engraved or imprinted upon any part of said article, or~~
22 ~~upon any tag, card or label attached thereto, or upon any box, package, cover or~~

1 ~~wrapper in which said article is encased or enclosed, subject to the qualifications~~
2 ~~hereinafter set forth, is guilty of a misdemeanor.~~

NOTE: Deletes redundant language, replaces parentheses and inserts specific references and cross-references. Simplifies structure by making long phrases definitions under s. 134.245.

3 **SECTION 9.** 134.29 (1) and (2) of the statutes are amended to read:

4 134.29 (1) In any test ~~for the ascertainment of~~ to determine the fineness of any
5 such silver article mentioned in ss. 134.26 to 134.28, according to the standards
6 ~~therein contained in ss. 134.26 to 134.28,~~ the part of the article taken for the test,
7 analysis or assay, shall be such part or portion as does not contain or have attached
8 thereto to it any solder or alloy of inferior metal used for brazing or uniting the parts
9 of such the article.

10 (2) ~~In addition to the foregoing test and standards~~ Notwithstanding sub. (1)
11 and ss. 134.26 to 134.28, the actual fineness of the entire quantity of metal
12 purporting to be silver contained in any article mentioned in ss. 134.26 to 134.28,
13 including all solder or alloy of inferior fineness used for brazing or uniting the parts
14 of any such the article ~~(all such silver, alloy or solder being assayed as one piece),~~
15 shall not be less by more than ten one-thousandths parts than the fineness indicated
16 marked on the article, according to the foregoing standards, ~~by the mark stamped,~~
17 ~~branded, engraved or imprinted upon such article, or upon any tag, card or label~~
18 ~~attached thereto, or upon any box, package, cover or wrapper in which said article~~
19 ~~is encased or enclosed~~ contained in ss. 134.26 to 134.28. In determining the fineness
20 of metal for purposes of this subsection, the silver, alloy or solder being tested shall
21 be tested as one piece.

NOTE: Deletes redundant language, replaces parentheses and inserts specific references and cross-references. Simplifies structure by making long phrases definitions under s. 134.245.

1 **SECTION 10.** 134.31 of the statutes is amended to read:

2 **134.31** (title) **Misbranding of silver plated silver-plated articles.** Any
3 person, ~~firm, corporation or association, who or which makes for sale, or sells or offers~~
4 ~~to sell or dispose of, or has in his, her or its possession with intent to sell or dispose~~
5 ~~of, who sells~~ any article of merchandise made in whole or in part of inferior metal,
6 having deposited or plated ~~thereon~~ on the inferior metal or brazed or otherwise
7 affixed ~~thereto~~ to the inferior metal, a plate, plating, covering or sheet of silver or of
8 any alloy of silver, ~~and which article is known in the market as “silver plate” or “silver~~
9 ~~electroplate,”~~ or by any similar designation, ~~and having stamped, branded,~~
10 ~~engraved or imprinted thereon, or upon any tag, card or label attached thereto, or~~
11 ~~upon any box, package, cover or wrapper in which said article is encased or enclosed,~~
12 which is marked with the word “sterling” or the word “coin,” ~~either alone or in~~
13 conjunction with any other words or marks, is guilty of a misdemeanor.

NOTE: Deletes redundant language, replaces parentheses and inserts specific references and cross-references. Simplifies structure by making long phrases definitions under s. 134.245.

14 **SECTION 11.** 134.32 of the statutes is amended to read:

15 **134.32** (title) **Penalty for violations of sections ss. 134.25 to 134.32**
16 **134.31.** Every person, ~~firm, corporation or association guilty of a violation of who~~
17 ~~violates~~ any one of the provisions of ss. 134.25 to ~~134.32~~ 134.31, and every officer,
18 manager, director or managing agent of any such person, ~~firm, corporation or~~
19 ~~association,~~ directly participating in such ~~violation~~ or consenting ~~thereto~~ to a
20 violation of ss. 134.25 to 134.31, shall be ~~punished by a fine of not~~ fined not less than
21 \$25 nor more than \$500 ~~nor less than \$25, or imprisonment or imprisoned~~ for not
22 more than 3 months, ~~or both, at the discretion of the court.~~

NOTE: Deletes redundant language, replaces parentheses and inserts specific references and cross-references. Standardizes penalty language with current style.

Simplifies structure by making long phrases definitions under s. 134.245. There can be no violation of s. 134.32 as its sole function is to provide penalties for violations of other sections.

1 **SECTION 12.** 134.33 (5) (e) 3. of the statutes is amended to read:

2 134.33 (5) (e) 3. The percentage of platinum in such the article shall be is no
3 less than ~~five per cent~~ 5% in weight of the total weight of the article; and

NOTE: Replaces word form of number with digit and other disfavored terms.

4 **SECTION 13.** 137.02 (1) of the statutes is amended to read:

5 137.02 (1) The governor shall have power to appoint one or more
6 commissioners in any of the United States, or of the territories belonging to the
7 United States and in foreign countries, who shall hold office for ~~the a~~ a term of ~~four~~ 4
8 years unless sooner removed. Every ~~such~~ commissioner appointed under this
9 subsection shall take the official oath before a judge or clerk of one of the courts of
10 record of the state or territory or country in which the commissioner shall reside, ~~and~~.
11 The commissioner shall file the ~~same~~ oath, with an impression of the commissioner's
12 seal of office and a statement of the commissioner's post-office address, in the office
13 of the secretary of state, ~~and~~. The commissioner shall at the same time pay into the
14 treasury the sum of ~~five dollars; and thereupon~~ \$5, at which time the commissioner's
15 commission shall issue.

NOTE: Replaces word form of number with digit, inserts specific references and breaks up long sentence.

16 **SECTION 14.** 148.02 (1) of the statutes is renumbered 148.02 (1) (intro.) and
17 amended to read:

18 148.02 (1) (intro.) The physicians and surgeons, not less than ~~five~~ 5 in number,
19 of the several counties, except those ~~wherein~~ counties where a county medical society
20 already exists, may meet at such time and place at the county seat as a majority agree

1 upon and organize a county medical society, ~~and when.~~ When so organized it shall,
2 a county medical society:

3 (a) Shall be a body corporate by the name of the medical society of such the
4 county, shall for which it is organized.

5 (b) Shall have the general powers of a corporation, ~~and may.~~

6 (c) May take, by purchase or gift, and hold real and personal property. ~~County~~

7 (1m) All County medical societies ~~now existing are continued with~~ organized
8 prior to June 7, 1878, shall have the powers and privileges conferred by this chapter.

NOTE: Replaces word form of number with digit, subdivides provision and inserts specific references.

9 **SECTION 15.** 148.02 (2) of the statutes is amended to read:

10 148.02 (2) Physicians and surgeons who, ~~before April 20, 1897, received a~~
11 ~~diploma from an incorporated medical college or society of any of the United States~~
12 ~~or territories or of any foreign country, or who shall have received a license from the~~
13 ~~medical examining board, shall be entitled to meet for organization to organize or~~
14 become members of the county medical society.

NOTE: Deletes obsolete clause that applies to doctors who received a diploma prior to April 20, 1897.

15 **SECTION 16.** 157.062 (6) (a) of the statutes is amended to read:

16 157.062 (6) (a) The association is dissolved by failure to hold an annual election
17 for ~~three~~ 3 successive years.

NOTE: Replaces word form of number with digit.

18 **SECTION 17.** 167.07 (1) of the statutes is renumbered 167.07 (1) (intro.) and
19 amended to read:

1 167.07 (1) (intro.) No person, ~~association or corporation shall~~ may
2 manufacture, store, offer for sale, sell, or otherwise dispose of or distribute ~~white,~~ any
3 of the following:

4 (a) White phosphorus, single-dipped, strike-anywhere matches of the type
5 popularly known as “parlor matches;” ~~nor manufacture, store, sell, offer for sale, or~~
6 ~~otherwise dispose of or distribute white”.~~

7 (b) White phosphorus, double-dipped, strike-anywhere matches, or other type
8 of double-dipped matches, unless the bulb or first dip of such match is composed of
9 a so-called safety or inert composition, nonignitable on an abrasive surface; ~~nor~~
10 ~~manufacture, store, sell or offer for sale, or otherwise dispose of or distribute~~
11 ~~matches.~~

12 (c) Matches which, when packed in a carton of five hundred 500 approximate
13 capacity and placed in an oven maintained at a constant temperature of ~~two hundred~~
14 200 degrees F. Fahrenheit, will ignite in ~~eight~~ 8 hours; ~~nor manufacture, store, offer~~
15 ~~for sale, sell or otherwise dispose of or distribute.~~

16 (d) Blazer, or so-called wind matches, whether of the so-called safety or
17 strike-anywhere type.

NOTE: Subdivides provision, deletes redundant language and replaces word form
of number with digit. “Person” is defined in s. 992.01 to include firms, corporations and
associations.

18 **SECTION 18.** 167.07 (2) of the statutes is renumbered 167.07 (2) (a) (intro.) and
19 amended to read:

20 167.07 (2) (a) (intro.) No person, ~~association or corporation shall offer~~ may do
21 any of the following:

22 1. Offer for sale, sell or otherwise dispose of or distribute any matches, unless
23 the package or container in which such matches are packed bears plainly marked on

1 the outside thereof the name of the manufacturer and the brand or trademark under
2 which such matches are sold, disposed of or distributed; ~~nor shall.~~

3 2. Open more than one case of each brand of matches of any type or
4 manufacture ~~be opened~~ at any one time in ~~the~~ a retail store where matches are sold
5 or otherwise disposed of; ~~nor shall.~~

6 3. Keep loose boxes or paper-wrapped packages of matches ~~be kept~~ on shelves
7 or stored in such ~~a~~ retail stores store at a height exceeding ~~five~~ 5 feet from the floor;
8 ~~all.~~

9 (b) All matches, ~~when stored in warehouses, excepting~~ except manufacturers'
10 warehouses at the place of manufacture, ~~when such warehouses that~~ contain
11 automatic sprinkler equipment, ~~must~~ shall be subject to each of the following
12 conditions:

13 1. The matches shall be kept only in properly secured cases, ~~and.~~

14 2. The matches shall not be piled to a height exceeding ~~ten~~ 10 feet from the floor;
15 ~~nor.~~

16 3. The matches shall not be stored within a horizontal distance of ~~ten~~ 10 feet
17 from any boiler, furnace, stove or other like similar heating apparatus, ~~nor.~~

18 4. The matches shall not be within a horizontal distance of ~~twenty-five~~ 25 feet
19 from any explosive material kept or stored on the same floor; ~~all.~~

20 (c) All matches shall be packed in boxes or suitable packages, containing not
21 more than ~~seven hundred~~ 700 matches in any one box or package; ~~provided, however,~~
22 ~~that when.~~ If more than three hundred 300 matches are packed in any one box or
23 package, the said matches shall be arranged in ~~two~~ 2 nearly equal portions, with the
24 heads of the matches in the ~~two~~ 2 portions shall be placed in opposite directions, ~~and~~
25 ~~all.~~ All boxes containing ~~three hundred and fifty~~ 350 or more matches shall have

1 placed over the matches a center holding or protecting strip, made of chipboard, not
2 less than ~~one and one-quarter~~ 1.25 inches wide; said ~~and the~~ strip shall be flanged
3 down to hold the matches in position when the box is nested into the shuck or
4 withdrawn from it.

NOTE: Subdivides provision, breaks up long sentence, replaces word form of numbers with digits and other language. "Person" is defined in s. 990.01 to include firms, corporations and associations.

5 **SECTION 19.** 167.20 (2) of the statutes is amended to read:

6 167.20 (2) Any person who ~~shall violate the provisions of~~ violates this section
7 shall be deemed guilty of a misdemeanor and shall be punished by a fine of fined not
8 less than ~~twenty-five dollars~~ \$25 nor more than ~~one hundred dollars,~~ \$100 or by
9 ~~imprisonment in the county jail~~ imprisoned for not less than ~~thirty~~ 30 days nor more
10 than ~~six~~ 6 months. Each day during which a violation of the provisions of this section
11 continues shall be deemed considered a separate offense.

12 **SECTION 20.** 170.02 of the statutes is renumbered 170.02 (1) and amended to
13 read:

14 170.02 (1) Every finder of a stray shall, within 7 days ~~thereafter~~ after finding
15 the stray, notify the owner ~~thereof of the stray~~, if known to the finder, and request the
16 owner to pay all reasonable charges and take ~~such~~ the stray away; ~~and, if such.~~ If
17 the owner be is unknown to the finder, the finder shall, within ~~ten~~ 10 days after
18 finding the stray, file a notice with the town clerk ~~of the town~~, who shall transmit a
19 copy thereof to the county clerk.

20 **(2)** The finder of a stray shall publish notice, if the value of the stray exceeds
21 \$50, as a class 3 notice, under ch. 985, in the county. The notice shall ~~briefly describe~~
22 contain all of the following:

1 (a) A brief description of the stray by, giving its marks, natural or artificial, as
2 near as practicable, the,

3 (b) The name and residence of the finder, specifying the section and town, and
4 the,

5 (c) The time when such the stray was taken up. ~~For neglect or refusal.~~

6 **(3) If the finder neglects or refuses to publish such the notice as required under**
7 **sub. (2), the finder of such the stray shall be liable in double the amount of damages**
8 **sustained by the owner of such the stray. ~~For neglect or failure~~ If the finder neglects**
9 **or refuses for one year to publish such notices the notice required under sub. (2), the**
10 **finder of such the stray shall be liable for its the full value of the stray, to be recovered**
11 **by an action in the name of the town, and the. The amount recovered shall be added**
12 **to the school fund of such town apportioned in the same manner as tax revenues**
13 **collected by the town for schools under s. 60.33 (9) (d).**

NOTE: Subdivides provision, breaks up long sentence, replaces word form of numbers with digits and other language. There is no town school fund. This term was inserted by the editors of the revised statutes of 1878. The replacement language inserted by this bill reflects the original language of Chapter 69, Laws of 1869, as updated to reflect current s. 60.33 (9) (d).

14 **SECTION 21.** 171.02 of the statutes is renumbered 171.065 and amended to read:

15 **171.065 Disposition of proceeds.** If the owner of the property sold under this
16 chapter or the owner's legal representatives shall, at any time within five 5 years
17 after ~~such money shall~~ proceeds from the sale have been deposited in the county
18 treasury, ~~furnish~~ furnishes satisfactory evidence to the treasurer of the ownership
19 of ~~such the~~ property, the owner or the owner's legal representatives shall be entitled
20 to receive ~~from such treasurer~~ the amount ~~so~~ of the proceeds deposited with the
21 treasurer. ~~If not claimed within said time by~~ the owner or the owner's legal

1 representatives do not claim the sale proceeds within the same 5-year period, the
2 proceeds shall belong to the county.

NOTE: Renumbers provision for more logical placement in the chapter, inserts specific references, replaces word form of numbers with digits and deletes or replaces disfavored terms.

3 **SECTION 22.** 172.01 of the statutes is amended to read:

4 **172.01 Animals not to run at large.** No stallion over one year old, nor bull
5 over ~~six~~ 6 months old, nor boar, nor ram, nor billy goat over ~~four~~ 4 months old shall
6 run at large; ~~and if.~~ If the owner or keeper shall of an animal described in this section,
7 for any reason, suffer any such permit the animal to do so run at large, the owner or
8 keeper shall forfeit ~~five dollars~~ \$5 to the person taking it up the animal and shall be
9 liable in addition for all damages done by the animal while ~~so~~ at large, ~~although~~
10 regardless of whether the animal escapes without animal's escape was the fault of
11 such the owner or keeper; and the. The construction of any fence enumerated in s.
12 90.02 ~~shall~~ does not relieve ~~such~~ an owner or keeper from liability for any damage
13 committed by an animal of the ~~enumerated class~~ described in this section upon the
14 ~~inlosed~~ enclosed premises of an adjoining owner.

NOTE: Breaks up long sentence, inserts specific references, replaces word form of numbers with digits and deletes or replaces disfavored terms.

15 **SECTION 23.** 172.015 of the statutes is amended to read:

16 **172.015 Livestock on highways; penalty.** No livestock shall run at large
17 on a highway at any time except to go from one farm parcel to another. If the owner
18 or keeper of livestock knowingly permits livestock to ~~do so~~ run at large on a highway,
19 except when going from one farm parcel to another, and after notice by any peace
20 officer fails to remove ~~such~~ the livestock from the highway, the owner or keeper may
21 be fined not ~~exceeding~~ more than \$200.

NOTE: Inserts specific references.

1 **SECTION 24.** 172.02 of the statutes is amended to read:

2 **172.02** (title) ~~May be taken~~ **Taking up animal; notice.** Any person finding
3 any ~~such~~ animal described in s. 172.01 running at large may take it up, but shall
4 within ~~seven 7~~ days ~~thereafter~~ after taking up the animal notify the owner, if known
5 to the person, and request the owner to pay all reasonable charges for ~~its~~ the animal's
6 keeping, ~~besides such~~ together with the forfeiture required under s. 172.01 for taking
7 up, and take ~~such~~ the animal away within ~~five 5~~ days after being so notified.

NOTE: Inserts cross-references and other specific references, replaces word form of numbers with digits and deletes or replaces disfavored terms. Adds a subject to the title.

8 **SECTION 25.** 172.03 of the statutes is amended to read:

9 **172.03 Notice, if owner unknown.** If the owner of ~~such~~ an animal taken up
10 under s. 172.02 is unknown, the finder shall, within 10 days ~~thereafter~~ after taking
11 up the animal, file a notice with the clerk of the town in which it the animal is taken
12 up and, if the value of the animal exceeds \$50, shall publish in the county a class 3
13 notice, under ch. 985. The notice shall briefly describe the ~~animals~~ animal, by marks
14 natural or artificial, as near as practicable, and give the name and residence of the
15 finder and the time when the animal was taken up. A copy of it the notice shall be
16 ~~forthwith~~ sent immediately by the town clerk to the county clerk, who shall file the
17 ~~same~~ notice.

NOTE: Inserts specific references and cross-references and replaces disfavored terms.

18 **SECTION 26.** 172.04 of the statutes is amended to read:

19 **172.04 Appraisal of animals.** The finder of animals taken up under s. 172.02
20 shall, within one month from taking them up, if the animals are of the value of \$10
21 or more, apply to the town chairperson, village president or city mayor of the
22 municipality where found for the appointment of a disinterested appraiser; ~~a.~~ A

1 certificate of the appraisal shall be signed by the appraiser and filed in the municipal
2 clerk's office. The finder shall pay the appraiser \$3 for the certificate and 10 cents
3 per mile for every mile necessarily traveled by the appraiser.

NOTE: Breaks up long sentence, and inserts cross-reference.

4 **SECTION 27.** 172.05 of the statutes is amended to read:

5 **172.05** (title) ~~How restored~~ **Restoring an animal to its owner**. The owner
6 or person entitled to the possession of the an animal taken up under s. 172.02, at any
7 time within 90 days after such notice is filed with the municipal clerk under s. 172.03,
8 may have the animal restored upon proving rights to the animal and paying all
9 lawful charges incurred. If the claimant and the finder cannot agree as to the amount
10 of the charges or for the use of the animal either party upon notice to the other may
11 apply to the town chairperson, village president or city mayor or manager of the
12 municipality to settle the ~~same~~ dispute, who for that purpose may examine witnesses
13 on oath. Any amount found to be due ~~to~~ the finder over the value of the use of ~~such~~
14 the animal, together with the costs of such adjudication, shall be a lien upon the
15 animal.

NOTE: Inserts cross-references and other specific references and replaces
disfavored terms. Adds subject to title.

16 **SECTION 28.** 172.06 of the statutes is amended to read:

17 **172.06 Ownership by finder; sale.** If no claimant for the an animal taken
18 up under s. 172.02 causes its return, and if the animal has not been appraised for
19 more than \$10, the finder shall become the absolute owner; ~~but if~~ of the animal. If
20 the appraised value of the animal exceeds \$10, the animal shall be sold at public
21 auction by the sheriff or any constable of the county on the request of the finder.
22 Notice ~~thereof~~ of the sale shall be given and the sale shall be conducted and the same
23 fees allowed ~~therefor~~ as in the case of sales upon execution under ch. 815. The finder

1 may bid at the sale and shall at the time of sale deliver to ~~such~~ the officer conducting
2 the sale a statement in writing of the finder's charges, which shall be filed by the
3 officer with the municipal treasurer, ~~and after.~~ After deducting the finder's charges,
4 if just and reasonable, and the costs of the sale, the officer shall pay one-half of the
5 remaining proceeds to the finder, ~~and,~~ within 10 days ~~thereafter~~ after the sale, the
6 other half to the treasurer of the municipality for its use. If the finder of any stray
7 neglects or refuses to cause a sale to be made when required by law, the finder shall
8 pay to the municipality the value of the stray, to be recovered in an action by the
9 municipality.

NOTE: Breaks up long sentence, inserts specific references and deletes or replaces disfavored terms.

10 **SECTION 29.** 172.07 of the statutes is amended to read:

11 **172.07 Penalties.** If any person, without the consent of the finder, ~~shall take~~
12 takes any animal lawfully taken up as ~~aforsaid~~ from the finder's possession,
13 without the payment of the finder's lawful charges incurred in relation to the ~~same~~
14 animal, the person taking the animal shall be liable to ~~such~~ the finder for the value
15 of ~~such~~ the animal. If the finder ~~shall neglect~~ neglects to give the notices, procure
16 the appraisals or perform any of the duties ~~hereinbefore~~ required of the finder, the
17 finder shall be precluded from acquiring any right of property in ~~such~~ the animal or
18 receiving any charges or damages relative ~~thereto~~ to the animal.

NOTE: Breaks up long sentence, inserts specific references and deletes or replaces disfavored terms.

19 **SECTION 30.** 172.08 of the statutes, is renumbered 172.08 (1) and amended to
20 read:

21 172.08 (1) If the owner of any ram ~~shall suffer~~ permits the ram to go at large
22 or out of the ram's ~~inclosure~~ enclosure between the ~~fifteenth day of July~~ 15 and the

1 first day of December 1 in the same year, the owner shall forfeit ~~ten dollars~~ \$10 for
2 each time such ~~that the~~ ram shall be is found at large and taken up, ~~one-half~~ 50%
3 of which shall be paid to the prosecutor; ~~and the.~~ The owner shall also be liable for
4 any damages sustained by any person in consequence of such ~~the~~ ram running at
5 large.

6 **(2)** Any person may take up such a ram described in sub. (1), and shall within
7 ~~twenty-four~~ 24 hours thereafter ~~notify~~ after taking up the ram do one of the
8 following:

9 (a) If the owner thereof, if of the ram is known, notify the owner that the ram
10 has been taken up and of the place where the same ram is secured; and if.

11 (b) If the owner of the ram is unknown shall within the same time, file with the
12 town clerk a notice of such the taking up, containing describing the marks of such
13 the ram, natural and artificial, if any, and also post copies of such the notice in three
14 3 public places in such the town.

15 **(3)** The owner of such a ram taken up under this section may, within ~~six~~ 6 days
16 after the filing and posting of such ~~the~~ notices under sub. (2), pay or tender to the
17 town clerk ~~said the~~ forfeiture under sub. (1) and ~~fifty~~ 50 cents for the town clerk's fees,
18 ~~and thereupon said.~~ Upon payment of the forfeiture and fees, the ram shall be
19 restored to the owner; and the clerk shall forthwith immediately pay one-half of said
20 the forfeiture to the person who took the same ram up and the other half to the county
21 treasurer. If such the ram's owner shall not so fails to pay such the forfeiture and fees
22 in the time aforesaid said 6-day period under this subsection, the ram shall become
23 the property of the person so taking who took up the ram up.

NOTE: Subdivides provision, breaks up long sentence, inserts specific references,
replaces word form of numbers with digits and deletes or replaces disfavored terms.

1 **SECTION 31.** 173.01 of the statutes, is renumbered 173.01 (1) and amended to
2 read:

3 173.01 (1) The owner or occupant of any lands may distrain any beast doing
4 damage on the premises, either while upon the premises or upon immediate pursuit
5 of the beasts escaping ~~therefrom~~ from the premises and before returning to the
6 enclosure of or to the immediate care of the owner or keeper. The person distraining
7 the beasts may keep the beasts upon the premises or in ~~some~~ a public pound in the
8 person's town, city or village of residence until the person's damages are appraised.

9 **(2)** If the owner of the beasts is known to the person distraining the beasts and
10 resides within the same ~~town, city or village~~ county, the person distraining the beasts
11 shall give written notice to the owner in accordance with whichever of the following
12 applies:

13 **(a)** If the owner resides within the same town, city or village as the person
14 distraining the beasts, notice shall be given within 24 hours, but if Sundays excepted,
15 after the animal is distrained.

16 **(b)** If the owner resides in the same county, but does not reside in the same town,
17 city or village, as the person distraining the beasts, notice shall be given within 48
18 hours, Sundays excepted, specifying therein.

19 **(3)** The notice under sub. (2) shall specify all of the following:

20 **(a)** The time when and the place where the beasts were distrained, the,

21 **(b)** The number of beasts distrained and the place of their detention, and that
22 at a,

23 **(c)** That at a time and place, which shall not be less than 12 hours after the
24 -serving of the notice nor more than 3 days after such distress distraining the beasts,
25 and place designated in the notice the person distraining will apply to the town

1 chairperson, village president or city mayor or manager of the municipality where
2 the beasts were found for the appointment of 3 disinterested freeholders of the town,
3 city or village to appraise the damages; ~~but if,~~

4 (4) If the owner of the beasts is unknown or does not reside in the same county
5 as the person distraining the beasts, the person distraining the beasts shall, in
6 accordance with sub. (3) (c), apply for the appointment of appraisers without notice
7 and within 24 hours after ~~such distress; and upon~~ distraining the beasts.

8 (5) Upon application, the town chairperson, village president, or city mayor or
9 manager shall appoint in writing 3 disinterested freeholders of the town, city or
10 village to appraise the damages, ~~and.~~ The appraisers shall receive 50 cents therefor
11 for the appointment.

NOTE: Subdivides provision, breaks up long sentence, inserts specific references,
and deletes or replaces disfavored terms.

12 **SECTION 32.** 173.02 of the statutes is amended to read:

13 **173.02** (title) **Appraisement Appraisal.** ~~Such~~ The freeholders appointed as
14 appraisers under s. 173.01 shall be immediately notified and shall immediately
15 repair to the place damaged by the animals and view the damages done, ~~and they.~~
16 The appraisers may take evidence of any witnesses of the facts and circumstances
17 necessary to enable them to ascertain the extent of ~~such~~ the damages and the
18 sufficiency of any line fence on the premises where ~~such~~ the damage was done, if any
19 dispute ~~shall arise touching the same, and for such purpose arises regarding the~~
20 damages or line fence. The appraisers may administer oaths to ~~such~~ the witnesses.
21 ~~They~~ The appraisers shall certify under their hands the amount of ~~such~~ damages
22 ~~and,~~ the cost of keeping ~~such~~ the beasts to that time, ~~with their fees for services, as~~
23 appraisers not exceeding ~~one dollar~~ \$1 per day each, and their determination as to

1 the sufficiency of ~~such~~ the line fence, if in dispute, ~~and their~~. The appraisers' decision
2 as to ~~such~~ damages and sufficiency shall be of the fence is conclusive.

NOTE: Inserts specific references and cross-references and deletes or replaces disfavored terms.

3 **SECTION 33.** 173.03 of the statutes is renumbered 173.03 (1) and amended to
4 read:

5 173.03 (1) Unless the damages ~~so ascertained~~ determined under s. 173.02,
6 together with the fees of the appraisers and chairperson, president or mayor, have
7 been paid within 24 hours after the appraisal, the person distraining the beasts shall
8 cause the beasts ~~distrained~~ to be confined in accordance with whichever of the
9 following applies:

10 (a) The beasts shall be put into the nearest pound of in the same distraining
11 person's town, city or village of residence, if there is ~~one~~, and if not, then a pound.

12 (b) If there is no pound in the distraining person's town, city or village of
13 residence, the beasts shall be put in some other secure enclosure, where they.

14 (2) The beasts shall remain confined until sold as hereinafter directed, or under
15 ss. 173.04 to 173.06, until the damages, fees and the costs of keeping the beasts after
16 appraisal are paid or until they are otherwise seized or discharged according to law.
17 The confined beasts shall be furnished with suitable food from the time of seizure
18 until they are discharged ~~therefrom~~ or sold; ~~and the~~. The expense thereof of feeding
19 the beasts, after the appraisal, shall be added ~~thereto~~ to the amount determined
20 under s. 173.02 and paid as additional costs; ~~and if~~. If the beasts are put in a pound,
21 the certificate of appraisal shall be delivered to the keeper of the pound.

NOTE: Inserts specific references and cross-references and deletes or replaces disfavored terms.

22 **SECTION 34.** 173.04 of the statutes is amended to read:

1 **173.04 Time and notice of sale.** The poundmaster of any ~~such~~ pound shall
2 receive and keep any beasts so delivered to the poundmaster and ~~unless under s.~~
3 173.03. Unless the beasts are seized or discharged according to law within six 6 days,
4 from the time of their delivery to the pound, the poundmaster shall sell such at public
5 auction the beasts or so many of them as shall be ~~is~~ necessary to pay ~~such the~~
6 damages, fees and costs, ~~at public auction, giving two~~ enumerated under ss. 173.02
7 and 173.03. The poundmaster shall give 2 days' notice of ~~such the~~ sale by notice
8 posted upon ~~such the~~ pound and at ~~three 3~~ public places in ~~such the~~ town, city or
9 village in which the pound is located.

NOTE: Inserts specific references and cross-references, replaces word form of numbers with digits and deletes or replaces disfavored terms.

10 **SECTION 35.** 173.05 of the statutes is amended to read:

11 **173.05 Sale of animal not impounded.** If in consequence of there being no
12 pound within ~~such the~~ distraining person's city, town or village ~~such of~~ residence the
13 ~~beasts shall be~~ distrained under s. 173. 01 are kept in some other enclosure and if
14 ~~the same shall~~ beasts are not be discharged in the manner hereinbefore provided
15 under this chapter within six 6 days after being placed therein in the enclosure, the
16 sheriff or any constable of the county shall sell ~~such the~~ beasts or so many of them
17 as shall be necessary to pay ~~such the~~ damages, fees and costs of keeping, upon the
18 same notice as is required in case of a constable's sale of personal property taken by
19 execution.

NOTE: Inserts specific references and cross-references, replaces word form of numbers with digits and deletes or replaces disfavored terms.

20 **SECTION 36.** 173.06 of the statutes is renumbered 173.06 (1) and amended to
21 read:

1 173.06 (1) From the proceeds of the sale under s. 173.04 or 173.05, the person
2 making the sale shall retain his or her fees, which shall be the same as are allowed
3 to constables upon sales of personal property on execution, and the cost of keeping
4 the beasts; ~~and the.~~ The person making the sale shall pay to the person who
5 distrained the beasts the damages so certified under s. 173.02, with the fees of the
6 appraisers and chairperson, president or mayor, ~~and pay the.~~

7 (2) Any surplus, if any, remaining after distribution of the proceeds under sub.
8 (1) shall be paid to the owner of the beast, if known. If no owner appears at the time
9 of sale or within one week ~~thereafter~~ after the sale, and claims the surplus, it shall
10 be paid to the treasurer of the distraining person's town, city or village of residence.
11 If the money is not applied for within one year ~~thereafter~~ after the sale, the treasurer
12 shall place the same money in the town treasury, to be expended in the support of the
13 ~~poor; but if.~~ If the owner applies therefor for the surplus and gives proper proof of
14 ownership within 6 years after its receipt by such the treasurer ~~it~~, the surplus, less
15 a 2% deduction for fees, shall be paid over to such the owner, ~~deducting 2% for fees.~~

NOTE: Subdivides provision, inserts specific references and cross-references,
replaces word form of numbers with digits and deletes or replaces disfavored terms. Town
responsibility for providing relief to the poor was ended by 1985 Wis. Act 29.

16 **SECTION 37.** 175.09 (3) of the statutes is amended to read:

17 175.09 (3) Whoever shall in connection with any place of business of
18 ~~whatsoever kind or nature, employ, display, maintain or use any other than the~~
19 ~~standard of time shall be guilty of a nuisance and shall be punished by a fine of fined~~
20 ~~not less than twenty-five dollars, or \$25 nor more than five hundred dollars, \$500~~
21 ~~or by imprisonment in the county jail imprisoned for not less than ten 10 days nor~~
22 ~~more than thirty 30 days, or by both such ~~fine and imprisonment.~~~~

NOTE: Replaces word form of numbers with digits and deletes unnecessary
language.

1 **SECTION 38.** 178.04 (4) of the statutes is renumbered 178.04 (4) (intro.) and
2 amended to read:

3 178.04 (4) (intro.) The receipt by a person of a share of the profits of a business
4 is prima facie evidence that that person is a partner in the business, but ~~no such~~ that
5 inference shall not be drawn if ~~such~~ the profits were received ~~in~~ for any of the
6 following:

7 (a) As payment as a debt by instalments or otherwise; ~~as.~~

8 (b) As wages of an employe or rent to a landlord; ~~as.~~

9 (c) As an annuity to a surviving spouse or representative of a deceased partner;
10 ~~as.~~

11 (d) As interest on a loan, though the amount of payment vary with the profits
12 of the business; ~~or as.~~

13 (e) As the consideration for the sale of the ~~good will~~ goodwill of a business or
14 other property by instalments or otherwise.

15 **SECTION 39.** 178.13 (1) (intro.) of the statutes is amended to read:

16 178.13 (1) (intro.) When a person, by words spoken or written or by conduct,
17 represents himself or herself, or consents to another representing him or her to ~~any~~
18 ~~one~~ anyone, as a partner in an existing partnership or with one or more persons not
19 actual partners, he or she is liable to any such person to whom such representation
20 has been made, who has, on the faith of such representation, given credit to the
21 actual or apparent partnership and, if he or she has made such representation or
22 consented to its being made in a public manner, he or she is liable to such person,
23 whether the representation has or has not been made or communicated to such
24 person so giving credit by or with the knowledge of the apparent partner making the
25 representation or consenting to its being made, as follows:

NOTE: Corrects spelling.

1 **SECTION 40.** 178.33 (2) (c) of the statutes is amended to read:

2 178.33 (2) (c) A partner who has caused the dissolution wrongfully shall have,
3 if the business is not continued under the provisions of par. (b), all the rights of a
4 partner under sub. (1) subject to the provisions of par. (a), and, if the business is
5 continued under par. (b), the right as against the other partners and all claiming
6 through them in respect of their interests in the partnership, to have the value of his
7 or her interest in the partnership, less any damages caused to the other partners by
8 the dissolution, ascertained and paid to him or her in cash, or the payment secured
9 by bond approved by the court, and to be released from all existing liabilities of the
10 partnership; but in ascertaining the value of the partner's interest the value of the
11 ~~good-will~~ goodwill of the business shall not be considered.

NOTE: Corrects spelling.

12 **SECTION 41.** 180.1202 (1) of the statutes is amended to read:

13 180.1202 (1) Except as provided in sub. (5), a corporation may sell, lease,
14 exchange or otherwise dispose of all, or substantially all, of its property, with or
15 without ~~good-will~~ goodwill, otherwise than in the usual and regular course of
16 business, on the terms and conditions and for the consideration determined by the
17 corporation's board of directors, upon adoption of a resolution by the board of
18 directors approving the proposed transaction and approval by its shareholders of the
19 proposed transaction.

NOTE: Corrects spelling.

20 **SECTION 42.** 184.09 (1) of the statutes is amended to read:

21 184.09 (1) Any public service corporation, or any agent, director or officer
22 ~~thereof~~ of a public service corporation, who shall directly or indirectly, issue or cause

1 to be issued, any securities for whose issuance a certificate is required contrary to the
2 provisions of this chapter, or who shall apply the proceeds from the sale thereof of the
3 securities to any purpose other than that specified in the certificate of the
4 commission, shall forfeit to the state not less than ~~five hundred dollars~~ \$500 nor more
5 than ~~ten thousand dollars~~ \$10,000 for each offense.

NOTE: Replaces word form of numbers with digits and inserts specific reference.

6 **SECTION 43.** 184.09 (2) of the statutes is amended to read:

7 184.09 (2) Every director, president, secretary or other official or agent of any
8 public service corporation, who shall practice fraud or knowingly make any false
9 statement to secure a certificate of authority to issue any security, or issue under a
10 certificate so obtained and with knowledge of such fraud, or false statement, or
11 negotiate, or cause to be negotiated, any security, in violation of this chapter, shall
12 be ~~punished by a fine of~~ fined not less than ~~five hundred dollars,~~ \$500 or by
13 ~~imprisonment in the state prison~~ imprisoned for not less than one ~~or year nor~~ more
14 than 10 years, or by both ~~fine and imprisonment.~~

NOTE: Replaces word form of numbers with digits and deletes unnecessary language.

15 **SECTION 44.** 184.12 of the statutes is amended to read:

16 **184.12 Judicial sale of corporation, reorganization.** Whenever the
17 rights, powers, privileges and franchises of any domestic public service corporation
18 shall be sold at judicial sale or pursuant to the foreclosure of a mortgage, the
19 purchaser shall, within ~~sixty~~ 60 days after ~~such~~ the sale, organize a new corporation
20 pursuant to the laws respecting corporations for similar purposes and shall convey
21 to ~~such~~ the new corporation the rights, privileges and franchises which the former
22 corporation had, or was entitled to have, at the time of ~~such~~ the sale, and ~~such as~~
23 which are provided by the statutes applicable ~~thereto~~ to domestic public service

1 corporations. The amount of securities ~~which~~ that may be issued by the new
2 corporation for the purpose of acquiring the property of the former corporation shall
3 be determined in accordance with ss. 184.04, 184.05 and 184.06.

NOTE: Replaces word form of numbers with digits and inserts specific references.

4 **SECTION 45.** 188.01 of the statutes is amended to read:

5 **188.01** (title) ~~May elect~~ **Election of trustees.** The members of any grand
6 lodge or division or of any subordinate lodge or division acting under the authority
7 of any grand lodge or division of Free Masons, Odd Fellows, Hermann's Sons, or Sons
8 of Temperance, Grand Army of the Republic, or of the State Grange, or any
9 subordinate grange of the order of Patrons of Husbandry acting under the authority
10 of a state or national grange, or of the State Woman's Christian Temperance Union,
11 or any county, district or local Woman's Christian Temperance Union, or of any other
12 society constituted in a manner generally similar to either of the foregoing, whether
13 acting under the jurisdiction of a grand lodge or division or not, may assemble at their
14 usual place of meeting and, in pursuance of the rules of their society, elect not less
15 than ~~three~~ 3 nor more than ~~nine~~ 9 of their number trustees to take care of the
16 property, real and personal, belonging ~~thereto~~ to the society and transact all the
17 business relative to the investment and disposal ~~thereof~~ of the society's property.

NOTE: Replaces word form of numbers with digits and inserts specific references.

18 **SECTION 46.** 188.02 of the statutes is renumbered 188.02 (intro.) and amended
19 to read:

20 **188.02 Powers of trustees.** (intro.) ~~Such~~ The trustees may of a society that
21 is subject to this chapter:

22 (1) May have a common seal and alter the same that may be altered at the
23 trustee's pleasure, and for all purposes for which they are authorized to act shall.

1 (2) ~~Shall be deemed considered~~ a corporation, ~~and in~~ for all purposes for which
2 they are authorized to act.

3 (3) In pursuance of the rules and regulations of ~~such~~ the society and in
4 conformity with the rules and regulations of the grand lodge, division or society from
5 which they derive their charter, may take possession of, manage, control, purchase,
6 lease, receive, recover, hold, sell, convey, mortgage, demise and improve all of the
7 property thereof or necessary therefor, real and personal, including all burial places
8 belonging ~~thereto,~~ to the society, and may erect and keep in repair all buildings
9 necessary therefor, ~~and may~~.

10 (4) May sue and be sued in all matters pertaining to ~~such~~ the property and the
11 debts, claims, demands and liabilities ~~thereof~~ of the society, and the name in which
12 they shall sue or be sued shall be, "The trustees of ..." (insert name of the grand lodge,
13 lodge, division, grange or society of which they are trustees)".

NOTE: Subdivides provision and inserts specific references.

14 **SECTION 47.** 188.03 of the statutes is amended to read:

15 **188.03 In whom property to vest.** All of the real and personal property that
16 shall have been conveyed by devise, gift, grant, purchase or otherwise to any ~~such~~
17 society that is subject to this chapter or to any person as trustee for the use ~~thereof~~
18 of the society shall vest in ~~such~~ the society's trustees and their successors in office
19 as fully as if originally conveyed to them, and shall be held by them and by their
20 successors in trust for ~~such~~ the society in the manner aforesaid.

NOTE: Inserts specific references.

21 **SECTION 48.** 188.04 of the statutes is renumbered 188.04 (1) and amended to
22 read:

1 188.04 (1) ~~Such~~ The trustees of a society that is subject to this chapter shall
2 be elected annually at ~~such~~ the time and place and in ~~such~~ the manner as shall be
3 prescribed by the rules or bylaws of ~~such~~ the society, ~~and they.~~ The trustees shall
4 severally hold their offices for one year and until their successors are elected; ~~but any~~
5 ~~such.~~

6 (2) Any society, at the first or any subsequent election, may classify ~~such~~ its
7 trustees so that the term of office ~~of~~ for one-third of them shall expire each year; ~~and~~
8 ~~when.~~ When so classified, the term of office of the trustees thereafter elected shall
9 be ~~three~~ 3 years and until their successors are elected. Any ~~such~~ trustee may be
10 removed in accordance with the rules or bylaws of ~~such~~ the society, and all vacancies
11 may be filled for the residue of the term.

12 (3) Any ~~two of such~~ 2 trustees may call a meeting ~~thereof~~ of the society, and a
13 majority of them being convened may transact any business authorized to be done
14 by them.

15 (4) Whenever any subordinate grange of the Patrons of Husbandry shall from
16 any cause cease to exist, the trustees then in office shall immediately sell the
17 property ~~thereof~~ of the grange and divide the proceeds proportionally among its
18 members.

NOTE: Subdivides provision, replaces word form of numbers with digits and adds
specific references.

19 **SECTION 49.** 188.05 of the statutes is amended to read:

20 **188.05 Council of granges.** Any members of subordinate granges of the
21 Patrons of Husbandry, not less than ~~five~~ 5, located in any county or in adjoining
22 counties may unite and be known and designated by some especial name as a council
23 of granges of the Patrons of Husbandry, and may, as such, elect trustees as provided

1 in this chapter, ~~who.~~ The trustees shall have all of the powers and privileges in
2 respect to the property of ~~such~~ the council of granges ~~which~~ that are conferred by this
3 chapter ~~conferred~~ upon the trustees of a subordinate grange.

NOTE: Replaces word form of numbers with digits and other language for greater readability and conformity with current style.

4 **SECTION 50.** 190.01 (1) (intro.) of the statutes is amended to read:

5 190.01 (1) (intro.) Any number of persons, not less than ~~five~~ 5, may form a
6 corporation for the purpose of constructing, maintaining and operating a railroad for
7 public use by making articles of organization in which shall be stated:

NOTE: Replaces word form of numbers with digits.

8 **SECTION 51.** 190.01 (1) (e) of the statutes is amended to read:

9 190.01 (1) (e) The names and residences of the directors of the corporation who
10 shall manage its affairs for the first year and until others are chosen in their places,
11 and who shall not be less than ~~five~~; ~~and each such person~~ 5.

12 **(1m)** Each director shall subscribe ~~thereto~~ the person's his or her name, place
13 of residence and the number of shares of stock the person agrees to take in ~~such~~ the
14 corporation. ~~There~~ to the articles of organization. An affidavit of at least 3 of the
15 named directors shall be annexed to ~~such~~ the articles ~~an affidavit of at least three~~
16 ~~of the directors therein named~~ certifying that the signatures ~~thereto~~ are genuine and
17 that it is intended in good faith to construct or maintain and operate the railroad
18 ~~therein~~ mentioned in the articles of organization.

NOTE: Subdivides provision, replaces word form of numbers with digits adds specific references, reorders text for greater readability and conformity with current style.

19 **SECTION 52.** 190.015 of the statutes is renumbered 190.015 (1) and amended to
20 read:

1 190.015 (1) The stock, property, affairs and business of every such railroad
2 corporation shall be managed by directors who shall be chosen by the stockholders
3 from among their number, at such the time and place as shall be provided by the
4 articles of organization or the bylaws, ~~and shall.~~

5 (2) The trustees shall hold office for the term provided therein by the articles
6 or bylaws and until their respective successors are chosen. The directors may be
7 divided into ~~three~~ 3 classes, each of which shall be composed, as nearly as may be
8 possible, of one-third of the directors; ~~the.~~ The term of office of the first class ~~to~~ shall
9 expire in one year, of the second 2nd in two 2 years, and of the third 3rd in three 3
10 years. At each annual election thereafter, a number of directors shall be elected for
11 ~~three~~ 3 years equal to the number whose term of office shall then expire; ~~all.~~ All other
12 vacancies ~~to~~ shall be filled in accordance with the bylaws.

13 (3) The directors shall choose one of their number president and such other
14 officers as the corporate articles and bylaws require, for such the term as shall be
15 prescribed ~~thereby; and by the articles or bylaws.~~ The directors may fill any vacancy
16 in their board, happening after any regular annual election, until the next
17 succeeding election.

NOTE: Subdivides provision, replaces word form of numbers with digits and adds
specific references for greater readability and conformity with current style.

18 **SECTION 53.** 190.02 (9) (a) of the statutes is renumbered 190.02 (9).

NOTE: The remaining paragraphs under s. 190.02 (9) are renumbered to be s.
190.025 (1) and (2) by the next 2 sections of this bill.

19 **SECTION 54.** 190.02 (9) (b) of the statutes is renumbered 190.025 (1) and
20 amended to read:

21 190.025 (1) (title) RAILROAD PROPERTY ACQUIRED UNDER MORTGAGE OR TRUST DEED.
22 In case of a sale of any interest in railroad property by virtue of any such trust deed

1 or mortgage under s. 190.02 (9), the purchasers and their associates, successors and
2 assigns shall thereafter have, exercise and enjoy all rights, privileges, grants,
3 franchises, immunities and advantages mentioned in ~~such instruments~~ the trust
4 deed or mortgage which were possessed by ~~such~~ the corporation that executed that
5 instrument, so far as ~~the same~~ those rights, privileges, grants, franchises,
6 immunities and advantages relate or appertain to that portion or line of road
7 purchased at ~~such~~ that sale, as fully and absolutely in all respects as ~~such~~ the
8 corporation that executed that instrument might have done if ~~such~~ the sale had not
9 taken place.

NOTE: Section 190.02 (intro.) indicates that that section grants the included powers to all railroad corporations. This provision is renumbered out of s. 190.02 because it does not apply to all railroad corporations. Specific references are added for greater readability and conformity with current style. See also the creation of s. 190.025 (title).

10 **SECTION 55.** 190.02 (9) (c) of the statutes is renumbered 190.025 (2) (a) (intro.)
11 and amended to read:

12 190.025 (2) (a) (intro.) Any This subsection applies to any of the following:

13 1. A railroad corporation organized to and which shall acquire, directly or by
14 mesne conveyances, the property of another railroad corporation sold in judicial
15 proceedings, ~~or any~~.

16 2. A railroad corporation reorganized under the federal bankruptcy act which
17 corporation, under a plan of reorganization as confirmed by the act, shall have been
18 authorized to put into effect and carry out ~~said~~ the plan of reorganization, or ~~any a~~
19 new railroad corporation which shall be organized for the like purpose, ~~;~~.

20 (b) A railroad corporation that is subject to this subsection shall have all powers
21 by law conferred by law upon railroad corporations, ~~and~~. The railroad corporation
22 may issue, sell, pledge or otherwise dispose of its evidences of debt at such times, in
23 such amounts, for such considerations and upon such terms and conditions as the

1 board of directors of said the corporation shall determine, and as shall be authorized
2 by the office, or the interstate commerce commission in the case of a railroad
3 corporation organized for the purpose of acquiring a railroad engaged in interstate
4 commerce, or any existing railroad corporation reorganized under the act and
5 acquiring railroad property used in interstate commerce, ~~by the interstate commerce~~
6 ~~commission, as the case may be, issue, sell, pledge or otherwise dispose of its.~~ The
7 ~~evidences of debt, which~~ may be convertible, at the option of the holder, into stock,
8 and shares of stock, ~~which.~~ The shares may have such a nominal or par value or, if
9 the same be shares are shares of common stock, be without nominal or par value, ~~and.~~
10 The shares may be of such classes, with such rights and voting powers as may be
11 expressed in its the corporation's articles or any amendment thereto. ~~In the case of~~
12 a

13 (c) 1. A railroad corporation reorganized as aforesaid, ~~the filing with the~~
14 ~~department of financial institutions of~~ under the federal bankruptcy act may elect
15 to file a certified copy of the plan of reorganization as confirmed by the federal
16 bankruptcy act, ~~if it shall so elect, with the department of financial institutions.~~ The
17 filing of the plan shall accomplish and evidence the amendment of its charter or
18 articles of incorporation without the necessity for any other or further action,
19 corporate or otherwise, ~~with respect thereto.~~ Such. A reorganized railroad
20 corporation shall ~~thereupon,~~ upon filing the plan of reorganization, have all powers
21 necessary to put into effect and carry out such the plan of reorganization in all
22 respects ~~but such filing of the plan of reorganization shall not preclude such existing~~
23 ~~corporation from amending its charter or articles in the manner now provided by law.~~
24 The fees for filing such the copy of the plan of reorganization shall be the same as
25 prescribed in s. 190.01 (3).

NOTE: Section 190.02 (intro.) indicates that that section grants the included powers to all railroad corporations. This provision is renumbered out of s. 190.02 because it confers powers that do not apply to all railroad corporations. The provision is subdivided, specific references are added and text reordered for improved readability and conformity with current style. See also the creation of s. 190.025 (title), the creation of s. 190.025 (2) (title) and the creation of s. 190.025 (2) (c) 1. by this bill.

1 **SECTION 56.** 190.02 (11) of the statutes is renumbered 190.02 (11) (a) and
2 amended to read:

3 190.02 (11) (a) ~~Any railroad company may~~ To own and operate motor vehicles
4 for the purpose of transporting persons and property upon the public highways, for
5 hire, subject to ch. 194; ~~and may also.~~

6 (b) To own and operate equipment for, and engage in, aerial transportation.
7 ~~Any railroad company may~~

8 (c) To purchase and own the capital stock and securities of corporations
9 organized for, or engaged in, the business businesses specified in this subsection
10 pars. (a) and (b).

NOTE: Subdivides provision and modifies language for sentence agreement with s.
190.02 (intro.).

11 **SECTION 57.** 190.02 (12) (title) of the statutes is renumbered 190.025 (3) (title).

12 **SECTION 58.** 190.02 (12) of the statutes is renumbered 190.025 (3) (a) and
13 amended to read:

14 190.025 (3) (a) Any railroad corporation, organized and existing under the laws
15 of this state or existing by consolidation of different railroad corporations under the
16 laws of this state and any other state, ~~and which, that owns more than 50% of the~~
17 capital stock of another corporation, the capital stock of which it is authorized to own,
18 is authorized by action of its board of directors to guarantee the payment of the
19 principal and interest of bonds or other obligations of the other corporation.

1 (b) Any railroad corporation, organized and existing under the laws of this state
2 or existing by consolidation of different railroad corporations under the laws of this
3 state and any other state, that owns singly ~~or with other railroad corporations more~~
4 than ~~fifty per cent~~ 50% of the capital stock of another corporation, the capital stock
5 of which it is authorized to own, is authorized by action of its board of directors to
6 guarantee the payment of the principal and interest of bonds or other obligations of
7 such the other corporation, ~~the capital stock of which is so owned by it,~~ and to join
8 with such the other railroad corporations in guaranteeing the payment of principal
9 and interest of bonds or other obligations of such the other corporation, ~~more than~~
10 ~~fifty per cent of the capital stock of which is owned by it and such other railroad~~
11 corporations.

NOTE: Section 190.02 (intro.) indicates that that section grants the included powers to all railroad corporations. This provision is renumbered out of s. 190.02 because it confers powers that do not apply to all railroad corporations. Deletes redundant phrase, replaces word form of numbers with digits and adds specific references for greater readability and conformity with current style.

12 **SECTION 59.** 190.025 (title) of the statutes is created to read:

13 **190.025 (title) Powers of railroads; special cases.**

14 **SECTION 60.** 190.025 (2) (title) and (c) 2. of the statutes are created to read:

15 190.025 **(2)** (title) RAILROADS ACQUIRED THROUGH JUDICIAL PROCEEDINGS AND
16 REORGANIZED RAILROADS.

17 (c) 2. Filing the plan of reorganization under subd. 1. shall not preclude the
18 reorganized corporation from amending its charter or articles in the manner
19 provided by law.

NOTE: Repositions material from s. 190.025 (2) (c) 2. for more logical placement.

20 **SECTION 61.** 190.051 (1) of the statutes is renumbered 190.05 (1) (a) and
21 amended to read:

1 190.051 (1) (a) Any railroad corporation may extend its road from any point
2 named in its charter or articles of organization, or may build branch roads from any
3 point on its line or from any point on the line of any other road connected or to be
4 connected with its road, the use of which other road between such points and the
5 connection with its own road ~~such the railroad~~ corporation shall have has secured for
6 a term of not less than ~~ten~~ 10 years.

7 (b) Before making ~~such an~~ extension or building ~~any such a~~ branch road ~~such~~
8 under par. (a), the railroad corporation shall, by resolution of its directors, to be
9 entered in the record of its proceedings, designate the route of ~~such the~~ proposed
10 extension or branch, and file, for record, a copy of ~~such the~~ record, certified by the
11 president and secretary, with the department of financial institutions. ~~Thereupon~~
12 ~~such~~ Upon filing the record with the department of financial institutions, the
13 railroad corporation shall have all of the rights and privileges to make ~~such the~~
14 extension or build ~~such the~~ branch and receive aid thereto ~~which it that the railroad~~
15 corporation would have had if it had been authorized in its charter or articles of
16 organization.

NOTE: Replaces word form of numbers with digits and adds specific references for
greater readability and conformity with current style.

17 **SECTION 62.** 190.051 (2) of the statutes is amended to read:

18 190.051 (2) The requirements of this section shall not apply to permanent
19 branches or extensions not exceeding five 5 miles in length nor to temporary
20 branches or extensions not exceeding ~~ten~~ 10 miles in length.

NOTE: Replaces word form of numbers with digits.

21 **SECTION 63.** 190.09 of the statutes is amended to read:

22 **190.09 Railroad cattle pass, abandonment.** No railroad corporation shall
23 close or obstruct any cattle pass or opening ~~which shall have~~ that has been used as

1 a passageway for livestock across its right-of-way for a period of ~~five~~ 5 years without
2 having first secured the consent in writing of the abutting landowners.

NOTE: Replaces word form of numbers with digits.

3 **SECTION 64.** 190.15 of the statutes is amended to read:

4 **190.15 Right-of-way through public lands.** The commissioners of public
5 lands may sell and convey to any railroad corporation, ~~for such~~ the compensation and
6 upon ~~such~~ the terms as ~~they~~ that the commissioners may fix, a strip of land ~~one~~
7 hundred 100 feet wide, or more, if needed, through lands owned by the state ~~which~~
8 that the commissioners have power to sell, and across which a railroad has been or
9 shall be located or constructed, ~~but such.~~ The railroad corporation shall, as soon as
10 the route of its road ~~shall be~~ is definitely fixed, deposit in the office of the
11 commissioners of public lands, a plat exhibiting all ~~such~~ of the affected public lands
12 and the location of ~~such~~ the route through the ~~same and~~ affected public lands. The
13 railroad corporation shall have no right to take or use any ~~such~~ of the affected public
14 lands prior to depositing ~~such~~ the plat. Every deed or patent for any ~~such~~ lands
15 conveyed to a railroad corporation under this section shall contain an express
16 reservation unto the state of the title of ~~such~~ the lands conveyed except as to the use
17 of the ~~same~~ lands by ~~such~~ the railroad corporation or its successors or assigns for
18 railroad purposes.

NOTE: Breaks up long sentence, replaces word form of numbers with digits and adds
specific references for greater readability and conformity with current style.

19 **SECTION 65.** 191.02 of the statutes is amended to read:

20 **191.02 Application for certificate of necessity.** Application for ~~such~~ a
21 certificate required by s. 191.01 shall be made within ~~six~~ 6 months ~~from and after the~~
22 publication of ~~its~~ the railroad corporation's corporate articles.

NOTE: Replaces word form of numbers with digits, deletes redundant phrase and adds specific references and cross-references for greater readability and conformity with current style.

1 **SECTION 66.** 191.13 (6) of the statutes is amended to read:

2 191.13 (6) Any person who shall falsely represent represents that such a
3 temporary railroad is other than a temporary railroad shall be deemed ~~guilty of a~~
4 ~~misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding~~
5 ~~five hundred dollars, or by imprisonment in the county jail, fined not more than \$500~~
6 ~~or imprisoned for not exceeding six~~ more than 6 months, or by both such fine and
7 ~~imprisonment, in the discretion of the court.~~

NOTE: Replaces word form of numbers with digits and modifies penalty language for greater readability and conformity with current style.

8 **SECTION 67.** 192.255 (1) of the statutes is amended to read:

9 192.255 (1) No person shall act or be engaged to act as a conductor on a railroad
10 freight or passenger train in this state without having ~~for at least three years~~ 3 years'
11 ~~prior thereto served or worked in the capacity of~~ experience as a railroad brakeman.

NOTE: Replaces word form of numbers with digits and simplifies sentence for greater readability and conformity with current style.

12 **SECTION 68.** 192.255 (2) of the statutes is amended to read:

13 192.255 (2) No person shall act or be engaged to act as a flagman on a railroad
14 train in this state without having ~~for at least two years prior thereto served or worked~~
15 2 years' experience as a brakeman on a freight train or passenger train.

NOTE: Replaces word form of numbers with digits and simplifies sentence for greater readability and conformity with current style.

16 **SECTION 69.** 192.255 (5) of the statutes is amended to read:

17 192.255 (5) The provisions of this section as to ~~brakeman~~ brakemen shall not
18 apply unless there are available at the terminal from which the train is starting
19 brakemen who meet the requirements of this section and who are not assigned to

1 regular runs nor shall the provisions of this section apply to any railroad company
2 within the state nor the receiver or lessee thereof, whose line of railroad is less than
3 ~~thirty~~ 30 miles in length nor shall anything herein contained relieve any railroad
4 company from the negligence of any of its employees.

NOTE: Replaces word form of numbers with digits and corrects spelling. The gender specific "brakemen" is retained due to lack of an accepted alternative.

5 **SECTION 70.** 192.255 (6) of the statutes is amended to read:

6 192.255 (6) Any person who ~~shall violate~~ violates any of the provisions of this
7 section shall be deemed ~~guilty of a misdemeanor and shall upon conviction be~~
8 ~~punished by a fine of~~ fined not ~~less than \$25 nor~~ more than ~~one hundred dollars nor~~
9 ~~less than twenty-five dollars or confined in the county jail~~ \$100 or imprisoned for not
10 ~~exceeding ninety~~ more than 90 days, or by both such ~~fine and imprisonment in the~~
11 ~~discretion of the court.~~

NOTE: Replaces word form of numbers with digits and modifies penalty language for greater readability and conformity with current style.

12 **SECTION 71.** 192.27 (2) of the statutes is amended to read:

13 192.27 (2) Any railroad corporation neglecting or refusing to comply with the
14 provisions of this section shall be liable to a ~~forfeiture of~~ forfeit not less than
15 ~~twenty-five dollars~~ \$25 nor more than ~~one hundred dollars~~ \$100 for each offense, and
16 each. Each day that the violation continues shall constitute a separate offense.

NOTE: Replaces word form of numbers with digits.

17 **SECTION 72.** 192.29 (3) (a) of the statutes is amended to read:

18 192.29 (3) (a) No railroad train or locomotive shall run over any public traveled
19 grade crossing within any city or village, except where gates are operated, or a
20 flagman is stationed, unless the engine bell shall be rung continuously within ~~twenty~~
21 ~~rods~~ 330 feet of the crossing and until such ~~the crossing shall be~~ is reached.

NOTE: Replaces word form numbers with digits and clarifies reference.

1 **SECTION 73.** 192.32 (1) of the statutes is renumbered 192.32 (1) (intro.) and
2 amended to read:

3 192.32 (1) (intro.) No person, other than a licensee ~~or~~, authorized newspaper
4 ~~reporters~~ reporter or ~~those~~ person connected with or employed upon the railroad,
5 shall may walk, loiter or be upon or along the track of any railroad. The provisions
6 of this subsection shall not be construed to do any of the following:

7 (a) To interfere with the lawful use of a public ~~road or~~ highway by any person,
8 ~~or to~~.

9 (b) To prevent any person from driving across any railroad from one part of the
10 ~~that~~ person's land to another part thereof, or.

11 (c) To prevent any person from walking directly across the tracks or
12 right-of-way of any railroad; ~~or~~.

13 (d) To interfere with the use of the right-of-way or track by any person when
14 ~~occasioned by or~~ in connection with, either directly or indirectly, the shipping,
15 loading or unloading of freight, seeking employment, the investigation or securing
16 of evidence with respect to any accident or wreck, ~~or~~ in conducting or transacting any
17 other business for or with said the railroad; ~~or~~.

18 (e) To interfere with the entry of any employe during or on account of labor
19 disputes by employes.

NOTE: Subdivides provision, changes plural nouns to singular for sentence
agreement and deletes "road" consistent with the definition of highway at s. 990.01 (12).

20 **SECTION 74.** 192.33 (1), (2) and (3) of the statutes are amended to read:

21 192.33 (1) Every corporation operating any railroad shall erect and maintain
22 on both sides of its road (~~, depot grounds excepted~~), sufficient fences with openings
23 or gates or bars therein, and suitable and convenient farm crossings for the use of

1 the occupants of the lands adjoining and shall maintain cattle guards at all highway
2 crossings (~~outside of municipalities~~), and connect their fences therewith. This
3 section shall not apply to that part of the road where sidetracks or switch tracks are
4 used in cities of the first class.

5 (2) All roads shall be so fenced fences and such cattle guards required under
6 sub. (1) shall be made within one month from the time of commencing to operate the
7 same railroad right-of-way, so far as operated. Until ~~such~~ the required fences and
8 cattle guards ~~shall be~~ are made, ~~every~~ the railroad corporation owning or operating
9 any ~~such road~~ the right-of-way shall be liable for all damages done to domestic
10 animals, or persons ~~thereon~~ on the right-of-way, occasioned in any manner, in whole
11 or in part, by the want of ~~such~~ the required fences or cattle guards; ~~but after such,~~
12 After the required fences and cattle guards ~~shall have been~~ are constructed ~~such the~~
13 railroad conformations liability shall not extend to damages occasioned in part by
14 contributory negligence, nor to defects existing without negligence on the part of the
15 corporation or its agents.

16 (3) The sufficiency of fences shall be determined according to ch. 90; but
17 nothing ~~herein in this section~~ shall render any fence insufficient which was a legal
18 or sufficient fence when built.

NOTE: Modernizes language, replaces parentheses, inserts cross-references and shortens sentence.

19 **SECTION 75.** 192.34 of the statutes is amended to read:

20 **192.34 Fences; complaint of insufficient; hearing; order.** Upon
21 complaint by the owner or occupant of any land contiguous to the right-of-way of any
22 railroad that the railroad company operating ~~such the~~ line has failed to construct or
23 keep in good repair ~~such fences as the law requires~~ along its right-of-way opposite

1 to such the complainant's land as required under s. 192.33, the office shall proceed
2 thereon on the complaint in the manner provided in s. 195.04. If it shall appear that
3 the complaint is well founded, the office may order and direct the railroad company
4 to repair such the complained of fences so that the ~~same shall~~ fences will be sufficient
5 or to construct legal fences.

NOTE: Modernizes language and inserts cross-references.

6 **SECTION 76.** 192.35 (title) of the statutes is amended to read:

7 **192.35 (title) ~~Fences; interference with, etc.,~~ Interference with fences;**
8 **trespassers on track.**

9 **SECTION 77.** 192.35 of the statutes is renumbered 192.35 (1) and amended to
10 read:

11 192.35 (1) Any person who does any of the following shall ~~wilfully take~~ forfeit
12 not less than \$10 nor more than \$50 and, in addition, be liable to the party injured
13 for all damages resulting from the act or omission:

14 (a) Wilfully takes down, open or remove opens or removes any railroad fence,
15 cattle guard or crossing ~~or any portion thereof, or allow the same, in whole or in part.~~

16 (b) Allows a railroad fence, cattle guard or crossing to be taken down, opened
17 or removed, ~~or who, having.~~

18 (c) Having lawfully taken down bars or opened gates in such fences a railroad
19 fence for the purpose of passing through the same, ~~shall fence, does not~~ immediately
20 replace the bars or close the same gate, shall ~~forfeit not less than ten nor more than~~
21 ~~fifty dollars, and in addition be liable to the party injured for all damages resulting~~
22 ~~from such act or omission; and any.~~

23 (2) Any person who shall ride, lead without the consent of the party owning or
24 having control of the road rides, leads or ~~drive~~ drives any horse or other animal upon

1 such a fenced road railroad right-of-way, or who ~~shall ride, lead rides, leads or drive~~
2 drives any horse or team lengthwise of an unfenced railroad track (, other than at the
3 farm crossings or upon depot grounds or where the same track is laid along or across
4 a public road highway or street), ~~without the consent of the party owning or having~~
5 ~~control of such road shall, for every such offense~~ each occurrence, forfeit not
6 ~~exceeding ten dollars, to such~~ more than \$10, to the party owning or having control
7 of the railroad right-of-way, and shall also pay all damages ~~which~~ that shall be
8 sustained by the ~~party~~ aggrieved party.

NOTE: Simplifies title, subdivides provision, replaces word form of numbers with digits, modernizes penalty provision, inserts "highway" consistent with s. 990.01 (12), and clarifies references.

9 **SECTION 78.** 192.36 of the statutes is renumbered 192.36 (1) and amended to
10 read:

11 192.36 (1) Whenever a railroad corporation ~~shall fail~~ fails to build or repair any
12 fence, which the law requires it to erect, the owner or occupant of the land adjoining
13 may, between ~~the first day of April 1 and the first day of October 1~~, give notice in
14 writing to ~~such~~ the railroad corporation to build, the fence within ~~sixty~~ 60 days, or
15 repair the fence within ~~thirty~~ 30 days, ~~such fence, after the service of such~~ the notice.
16 Such

17 **(2)** The notice under sub. (1) shall describe the land on which ~~such~~ the fence
18 is required to be built or repaired, ~~and service thereof.~~ Service of the notice may be
19 made by delivering the same notice to any station agent of said the railroad
20 corporation.

21 **(3)** In case the railroad corporation ~~shall fail~~ fails to build or repair the fence
22 within the required time aforesaid, ~~then such,~~ the owner or occupant of the adjoining
23 land may build or repair the same; fence and may recover from ~~such~~ the railroad

1 corporation the cost ~~thereof~~ of building or repairing with interest at ~~one per cent~~ the
2 rate of 1% per month from the time such ~~that the~~ fence shall have been built or
3 repaired.

NOTE: Subdivides provision, replaces word form of numbers with digits, adds specific references and replaces and deletes text for greater readability and conformity with current style.

4 **SECTION 79.** 192.37 (1) of the statutes is amended to read:

5 192.37 (1) Whenever any corporation ~~shall operate~~ operates a railroad through
6 enclosed lands and ~~shall fail~~ fails to construct the fences, farm crossings or cattle
7 guards required by law, proper for the use of such ~~the enclosed~~ lands, the owner or
8 occupant ~~thereof~~ of the lands may give notice ~~in writing signed by the owner or~~
9 ~~occupant to such~~ to the railroad corporation, ~~to be served as a circuit court summons~~
10 ~~is served, to fence its road through the owner's or occupant's enclosed lands,~~
11 ~~describing the same, and~~ of its failure to construct the necessary fences, farm
12 crossings and cattle guards ~~thereon~~ on the owner's or occupant's enclosed lands.

13 **(3)** If such ~~company~~ a railroad corporation, after being so notified, ~~neglect~~
14 under this section, neglects for ~~three~~ 3 months to construct such ~~the necessary~~ fences,
15 farm crossings and cattle guards on the lands described in the notice, it shall be liable
16 to pay to such ~~the~~ owner or occupant ~~ten dollars~~ of the described lands \$10 for each
17 day after the expiration of ~~said three~~ the 3 months until ~~so~~ the necessary fences, farm
18 crossings and cattle guards are constructed. ~~But no~~ No time between ~~the first day~~
19 of November 1 and ~~the first day of April~~ succeeding 1 shall be included in the ~~three~~
20 ~~months aforesaid~~ calculation of the 3-month period under this subsection.

NOTE: Subdivides provision, replaces word form of numbers with digits, adds specific references and replaces and reorders text for greater readability and conformity with current style. See also the next section of this bill.

21 **SECTION 80.** 192.37 (2) of the statutes is created to read:

1 192.37 (2) The notice under sub. (1) shall meet all of the following
2 requirements:

3 (a) It shall be in writing, signed by the owner or occupant of the enclosed lands.

4 (b) It shall contain a description of the owner's or occupant's enclosed lands.

5 (c) It shall be served in the manner provided for the service of summons in the
6 circuit court.

NOTE: Moves related subject matter contained in the former first sentence of s.
192.37 (1) into a new subsection to improve readability. See the previous section of this
bill

7 **SECTION 81.** 192.53 (1) of the statutes is amended to read:

8 192.53 (1) ~~After July 1, 1931, no~~ Except as otherwise provided in this section,
9 no building or loading platform shall be constructed ~~or~~ nor shall any addition to or
10 reconstruction of a ~~then~~ an existing building or loading platform, ~~not including~~
11 excluding ordinary repairs necessary for maintenance, ~~shall be made which that~~
12 shall have a horizontal clearance of less than ~~eight~~ 8 feet ~~six~~ 6 inches between it and
13 the center line of any railroad track. The same clearance shall be maintained
14 between ~~such~~ the center line of the railroad track and any material used in and about
15 the construction of any such building or loading platform.

NOTE: Deletes obsolete transition provision, replaces word form of numbers with
digits and clarifies references.

16 **SECTION 82.** 192.53 (2) (a) to (d) of the statutes are amended to read:

17 192.53 (2) (a) ~~Such a~~ A platform ~~which that~~ is not higher than ~~four~~ 4 inches
18 above the top of the rail shall be not less than ~~four~~ 4 feet ~~six~~ 6 inches from the center
19 line of the adjacent track;.

20 (b) ~~Such a~~ A platform ~~which that~~ is more than ~~four~~ 4 inches but not higher than
21 ~~eight~~ 8 inches above the top of the rail shall be not less than ~~five~~ 5 feet one inch from
22 the center line of the adjacent track;.

1 (c) ~~Such a~~ A platform which ~~that~~ is more than ~~eight~~ 8 inches but not higher than
2 one foot ~~nine~~ 9 inches above the top of the rail shall be not less than ~~six~~ 6 feet from
3 the center line of the adjacent track;

4 (d) ~~Such a~~ A platform which ~~that~~ is higher than one foot ~~nine~~ 9 inches above
5 the top of the rail of a main track shall be not less than ~~eight~~ 8 feet from the center
6 line ~~thereof of the main track~~.

NOTE: Replaces "may" with "shall" for internal consistency between the (intro.) and the following paragraphs, replaces word form of numbers with digits and deletes unnecessary language.

7 **SECTION 83.** 192.53 (3) of the statutes is renumbered 192.53 (3) (a) and amended
8 to read:

9 192.53 (3) (a) High Notwithstanding par. (b), high ~~platforms in existenece on~~
10 ~~July 1, 1949~~ for handling baggage, mail, express and freight to and from cars on other
11 than main tracks, where an unobstructed working space at ground level is
12 maintained on the opposite side of the track from ~~such~~ the platform, ~~may be~~
13 ~~maintained with~~ which have a face or edge at least 5 feet 8 inches from the center
14 line of such track, ~~but after July 1, 1949, no such~~ which were in existence on July 1,
15 1949, may be maintained.

16 (b) No platform shall of the type described in par. (a) may be constructed which
17 provides a clearance of less than 6 feet 4 inches between the face or edge thereof and
18 the center line of any such track. ~~No such platform shall be constructed or~~ which is
19 more than 5 feet above top of rail level.

NOTE: Subdivides provision and reorders and modernizes language for for improved readability and conformity with current style.

20 **SECTION 84.** 192.53 (4) of the statutes is renumbered 192.53 (4) (a) amended to
21 read:

1 192.53 (4) (a) Upon finding that any ~~such~~ structure that is subject to the
2 provisions of this section will not imperil life or limb, and that the public interest
3 requires or permits ~~such~~ the structure to be constructed or reconstructed otherwise
4 than as permitted by the ~~foregoing~~ provisions of this section, the office may exempt
5 ~~such~~ the structure from ~~such~~ provision. ~~Such~~ the provisions of this section.

6 (b) The office shall make the findings shall be made described in par. (a) only
7 upon written application to it to exempt the construction or reconstruction of a
8 structure from the requirements of this section, setting forth fully the grounds
9 therefor, and ~~shall be made only after public hearing, and the~~. The office's findings
10 and order granting the exemption shall be in writing and shall contain complete
11 provisions and requirements as to the horizontal clearance to be maintained in such
12 the construction or reconstruction. ~~Such~~ The structure shall be constructed or
13 reconstructed only in compliance with ~~such~~ the office's order.

NOTE: Subdivides provision and adds inserts specific references for improved readability and conformity with current style.

14 **SECTION 85.** 192.53 (5) of the statutes is renumbered 192.53 (5) (a) (intro.)
15 amended to read:

16 192.53 (5) (a) (intro.) Except as ~~hereinbefore~~ otherwise provided in this section
17 and subject to the power of the office to make exceptions ~~hereto~~ to this section in a
18 manner similar to the power given it in sub. (4), no railroad or shipper ~~shall after May~~
19 ~~28, 1943, place~~ may do any of the following:

20 1. Place or construct, within 8 feet 6 inches of the center line of any railroad
21 track, any retaining walls, fences, signs, stand pipes, conveyors, or any other like
22 obstruction, except railroad bridges, switch stands, mail cranes, coal, ice and water

1 stations, intertrack fences and signals and other necessary interlocking
2 mechanisms, ~~or permit~~

3 2. Permit, within 8 feet 6 inches of the center line of any railroad track, the
4 accumulation of any rubbish, waste or material of any sort, except material used for
5 repair or construction work by such the railroad company.

6 (b) The intent of this subsection is to afford proper clearance between railroad
7 cars and obstructions and to promote the safety of railroad employes in switching
8 cars.

NOTE: Deletes obsolete transition provision and subdivides provision and adds
inserts specific references for improved readability and conformity with current style.

9 **SECTION 86.** 194.01 (5) of the statutes is amended to read:

10 194.01 (5) ~~The term “gross~~ “Gross weight”, when applied to a motor vehicle
11 used for the transportation of passengers, shall mean the actual weight of such the
12 motor vehicle unloaded plus ~~one hundred and fifty~~ 150 pounds for each person
13 capable of being seated in such the motor vehicle.

14 **SECTION 87.** 195.13 of the statutes is amended to read:

15 **195.13 Rebates and concessions, unlawful to accept.** It shall be unlawful
16 for any person, firm or corporation knowingly to accept or receive any rebate,
17 concession or discrimination in respect to transportation of property wholly within
18 this state, or for any service in connection therewith, whereby any such property
19 shall, by any device whatsoever, be transported at a less rate than that named in the
20 tariffs in force, or whereby any service or advantage is received other than is therein
21 specified. Any person, firm or corporation violating the provisions of this section
22 shall be fined not less than ~~fifty dollars~~ \$50 nor more than ~~one thousand dollars~~
23 \$1,000 for each offense.

1 **SECTION 88.** 195.14 (2) of the statutes is renumbered 195.14 (2) (a) and amended
2 to read:

3 195.14 (2) (a) Railroads may give ~~free~~ transportation free or at reduced rates
4 ~~therefor~~ to any minister of the gospel, officers or agent of incorporated colleges,
5 inmates of soldiers' homes, regular agents of charitable societies when traveling
6 upon the business of the society only, destitute and homeless persons, railroad
7 officers, attorneys, physicians, directors, employes or members of their families, or
8 to former railroad employes or members of their families where ~~such~~ the employes
9 have become disabled in the railway service, or are unable from physical
10 disqualification to continue in the service, or to members of families of deceased
11 railroad employes; ~~and,~~

12 **(b)** Railroads may exchange passes with officers, attorneys, physicians or
13 employes of other railroads and members of their families; ~~but no.~~ No person holding
14 any public office or position under the laws of this state shall be given ~~free~~
15 transportation free or at reduced rates that are not open to the public, except that
16 notaries public and regular employes of a railroad or other public utility who are
17 candidates for or hold public office for which the annual compensation is not more
18 than ~~three hundred dollars~~ \$300 to whom no passes or privileges are extended
19 beyond those ~~which~~ that are extended to other regular employes of such corporations
20 may be granted ~~free~~ transportation free or at reduced rates for the transmission of
21 any message or communication.

NOTE: Breaks up long sentence and replaces word form of number with digits.

22 **SECTION 89.** 195.25 (2) of the statutes is amended to read:

23 195.25 (2) Any ~~such~~ railroad company violating this section shall forfeit not
24 less than ~~twenty five dollars~~ \$25 nor more than ~~one hundred dollars, and any~~ \$100.

1 Any person who shall remove or destroy or cause the removal or destruction of such
2 articles the medical supplies required under sub. (1) after the railroad company has
3 supplied them shall be subject to the same penalty.

NOTE: Replaces word form of number with digits and inserts specific cross-reference.

4 **SECTION 90.** 195.286 (6) of the statutes is amended to read:

5 195.286 (6) (title) PENALTIES RELATING TO FENCES. Any person who removes,
6 throws down, injures or defaces any sign required by this section shall, upon
7 conviction, be fined not to exceed ~~twenty-five dollars~~ more than \$25.

NOTE: Replaces word form of number with digits.

8 **SECTION 91.** 195.286 (7) of the statutes is amended to read:

9 195.286 (7) (title) PENALTIES GENERALLY. Any person or corporation upon
10 conviction for the violation of any of the provisions of this section, except sub. (6),
11 shall be fined not less than ~~ten dollars~~ \$10 nor more than ~~fifty dollars~~ \$50 for each
12 violation.

NOTE: Replaces word form of number with digits.

13 **SECTION 92.** 195.37 (4) of the statutes is renumbered 195.37 (4) (a) and amended
14 to read:

15 195.37 (4) (a) ~~For recovery of~~ In this subsection, “straight overcharges which
16 mean charges overcharge” means a charge in excess of those applicable under the
17 lawful tariffs on file with the office,

18 (b) For recovery of a straight overcharge, neither this section nor s. 195.38 shall
19 be deemed considered exclusive remedies. Complaints for the same recovery of a
20 straight overcharge may be filed or actions begun within 3 years from the delivery
21 of the shipment of property at destination, and not after, except that if a claim for the
22 overcharge has been presented in writing to the carrier within the 3-year period,

1 said the period shall be extended to include 6 months from the time that notice in
2 writing is given by the carrier to the claimant of disallowance of the claim or any part
3 ~~thereof of the claim.~~

NOTE: Places definition in a separate paragraph and replaces language for greater readability and conformity with current style.

4 **SECTION 93.** 195.37 (5) of the statutes is amended to read:

5 195.37 (5) ACTIONS BY CARRIERS, LIMITATION. Actions by carriers for the recovery
6 of charges for the transportation of property between points in Wisconsin, or for any
7 service in connection therewith, or for the storage of such property, or for any car
8 service or demurrage charge, or any part thereof, shall be begun within ~~three~~ 3 years
9 after the delivery of the shipment of property at destination with respect to which
10 ~~such~~ the charge is made and not after.

NOTE: Replaces word form of number with digits.

11 **SECTION 94.** 195.37 (6) of the statutes is amended to read:

12 195.37 (6) LIMITATION ACTION, EXTENDED BY CARRIER. If, on or before the
13 expiration of said ~~two-year~~ the 2-year period of limitation under sub. (3) or of said
14 ~~three-year~~ the 3-year period of limitation under sub. (4), a carrier ~~shall begin~~
15 commences an action for the recovery of charges in respect to the same
16 transportation service, or without bringing action ~~shall collect~~ collects charges in
17 respect of that service, said the periods of limitation under subs. (3) and (4) shall be
18 extended to include ~~ninety~~ 90 days from the time ~~such~~ that the carrier's action is
19 ~~begun~~ commenced or ~~such~~ the charges are collected by the carrier.

NOTE: Replaces word form of number with digits, inserts specific cross-references and replaces other language.

20 **SECTION 95.** 196.16 (3) of the statutes is amended to read:

1 196.16 (3) This section does not limit any power of a municipal council
2 governing body under s. 196.58.

NOTE: Replaces obsolete term with current terminology.

3 **SECTION 96.** 196.85 (4) (d) of the statutes is amended to read:

4 196.85 (4) (d) If any bill against which objections have been filed shall is not
5 be paid within ~~ten~~ 10 days after notice of a finding that ~~such~~ the objections have been
6 overruled and disallowed by the commission has been mailed to the objector as
7 herein provided in this subsection, the commission shall give notice of such the
8 delinquency to the state treasurer and to the objector, in the manner provided in sub.
9 (3). The state treasurer shall then proceed to collect the amount of said the
10 delinquent bill as provided in sub. (3). If an amended bill is not paid within ~~ten~~ 10
11 days after a copy ~~thereof of the amended bill~~ is mailed to the objector by registered
12 mail, the commission shall notify the state treasurer and the objector as in the case
13 of delinquency in the payment of an original bill. The state treasurer shall then
14 proceed to collect the amount of said the amended bill as provided in the case of an
15 original bill.

16 **SECTION 97.** 197.01 (4) of the statutes is renumbered 197.01 (4) (a) and amended
17 to read:

18 197.01 (4) (a) Any municipality ~~having that owns, or has~~ secured a declaration
19 of convenience and necessity to own, operate, manage or control, any plant or
20 equipment for the production, transmission, delivery or furnishing of heat, light,
21 water or power, ~~or owning any such plant~~, may contract with any public utility
22 lawfully engaged as ~~such~~ a public utility for a division of any of the foregoing ~~service~~
23 services in said the municipality, for a period not exceeding ~~ten~~ 10 years, ~~with.~~ The
24 contract shall contain mutual covenants restricting and obligating operations by

1 each party to service within the respective fields of division so contracted for, ~~and~~
2 ~~within such fields the.~~ The commission shall have the right to regulate the charges
3 for, and quality of, service, notwithstanding anything provided in ~~such~~ the contract.

4 (b) Nothing in this section shall prevent the commission from terminating ~~such~~
5 a contract authorized under par. (a) and granting a certificate of convenience and
6 necessity for a ~~third~~ 3rd or other utility, if in its the commission's judgment the public
7 interest requires it.

NOTE: Subdivides provision, breaks up long sentence, replaces word form of
number with digits, inserts specific cross-references and replaces other language.

8 **SECTION 98.** 197.02 of the statutes is amended to read:

9 **197.02 Action by municipalities to acquire utility.** If ~~the~~ a municipality
10 ~~shall have~~ has determined to acquire a plant operated under an indeterminate
11 permit provided in s. 196.54 (2), by a vote of a majority of the electors, ~~such~~ the
12 municipality shall bring an action in the circuit court against the public utility for
13 an adjudication as to the necessity of ~~such~~ the taking by the municipality. Unless the
14 parties waive a jury, the question as to the necessity of the taking of ~~such~~ the property
15 by the municipality shall be submitted to a jury.

NOTE: Replaces language for greater readability and conformity with current style.

16 **SECTION 99.** 197.03 of the statutes is amended to read:

17 **197.03 Indeterminate permit; notice.** If ~~the~~ a municipality ~~shall have~~ has
18 determined to acquire an existing plant in the manner provided in s. 197.02, and the
19 public utility owning ~~such~~ the plant ~~shall have~~ has consented to the taking over of
20 ~~such~~ the plant by the municipality by acceptance of an indeterminate permit as
21 provided ~~herein~~ in s. 196.54 (4), or, in case ~~such~~ the public utility ~~shall~~ has not have
22 waived or consented to ~~such~~ the taking, if ~~the~~ a jury ~~shall have~~ acting under s. 197.02
23 has found that a necessity exists for the taking of ~~such~~ the plant, ~~then~~ the

1 municipality shall give speedy notice to the public utility and to the commission of
2 such the municipality's determination and of such the utility's consent or such the
3 jury's finding to the public utility and to the commission.

NOTE: Inserts specific cross-references and replaces and reorders language for greater readability and conformity with current style.

4 **SECTION 100.** 197.04 (1) of the statutes is renumbered 197.04 (1) (a) and
5 amended to read:

6 197.04 (1) (a) Any municipality having determined to acquire an existing plant
7 or any part of the equipment of a public utility may discontinue all proceedings to
8 that end at any time within 90 days after the final determination of compensation
9 by the commission, by a vote of the electors of the municipality as herein provided
10 in pars. (b) and (c), or by a resolution to that effect by its ~~municipal council~~, provided
11 ~~that such governing body.~~ Except as provided in par. (c), the resolution shall not be
12 of force and effect until become effective 90 days after its passage and publication.

13 (b) If within either of said the 90-day periods described in par. (a) a petition
14 conforming to the requirements of s. 8.40 shall be is filed with the clerk of such the
15 municipality, in a city of the first class and the petition has been signed by 5% and
16 ~~in all other municipalities~~ of the electors of a 1st class city or by 10% of the electors
17 thereof, of all other municipalities requesting that the question of discontinuing said
18 the proceeding to acquire such the plant or equipment of the public utility be
19 submitted to the electors, ~~such~~ of the municipality, the applicable question under par.
20 (c) shall be submitted to the said electors at any general or regular municipal election
21 that may be held not less than 30, and not more than 35, days from the date of the
22 filing of the petition; ~~and if.~~ If no general election or regular municipal election is to
23 be held within the stated periods, ~~then~~ the governing body of the municipality shall

1 order the holding of a special election for the purpose of submitting the question to
2 the electors in case the.

3 (c) 1. If a petition is filed under par. (b) before the adoption of such a resolution
4 the question whether said as described in par. (a), the question submitted to the
5 electors shall be whether the proceedings to acquire an existing plant or any part of
6 the equipment of a public utility shall be discontinued, and in case the.

7 2. If a petition is filed under par. (b) after the adoption of said a resolution as
8 described in par. (a), the question submitted to the electors shall be whether the
9 aforsaid resolution shall remain in effect and its adoption of the resolution shall be
10 ratified, and such. A resolution adopted prior to the submission of a petition shall
11 not have force or effect become effective unless a majority of the electors voting on
12 such the question shall be in favor thereof of the question.

13 **SECTION 101.** 197.04 (2) of the statutes is amended to read:

14 197.04 (2) The municipal council governing body of the municipality may
15 provide for the notice of, the manner of holding such election and, the method of
16 voting thereon and of on, the method of making returns thereof of, and the method
17 of canvassing and determining of the result thereof; provided, that notice of, the
18 election required under sub. (1). Notice of the submission of the question
19 contemplated herein election to the electors shall be given by a brief notice of that
20 fact once a week for ~~three~~ 3 weeks in some newspaper of general circulation
21 published in the municipality, and if there be no such. If no newspaper then of
22 general circulation is published in the municipality, publication may be made in any
23 newspaper of general circulation in the county seat of the county wherein in which
24 the municipality is located. The notice of holding any special election shall be
25 incorporated as a part of the aforsaid notice given under this subsection.

1 **SECTION 102.** 197.04 (3) of the statutes is amended to read:

2 197.04 (3) Upon the discontinuance of the proceedings to acquire an existing
3 plant or any part of the equipment of a public utility by the municipality no
4 subsequent proceedings shall be instituted within 2 years thereafter.

NOTE: Replaces obsolete term, "municipal council" with current terminology,
subdivides provision, breaks up long sentence, replaces word form of number with digits,
inserts specific cross-references and references and replaces other language.

5 **SECTION 103.** 197.05 (1) and (2) of the statutes are amended to read:

6 197.05 (1) ~~The~~ Upon receipt of the notice under s. 197.03, the commission shall
7 ~~thereupon~~ set a time and place for a public hearing upon the matters of the just
8 compensation to be paid for the property of ~~such~~ the public utility, ~~wheresoever~~
9 wherever situated, actually used and useful for the convenience of the public, and of
10 all other terms and conditions of the purchase, ~~and.~~ The commission shall give to the
11 interested municipality and ~~the public utility interested,~~ not less than 30 days' notice
12 of the time and place ~~such~~ at which the hearing will be held, and ~~such~~ the matters
13 to be considered and determined, ~~and at the hearing.~~ The municipality shall publish
14 in the county in which ~~such~~ the public utility is located a class 3 notice, under ch. 985,
15 of the hearing.

16 (2) The commission shall, by order, fix and determine and certify to the
17 ~~municipal council governing body of the municipality,~~ to the public utility and to any
18 bondholder, mortgagee, lienor or any other person having or claiming to have any
19 interest in ~~such~~ the public utility appearing ~~upon~~ such at the hearing, just
20 compensation to be paid for the taking of the property of ~~such~~ the public utility
21 actually used and useful for the convenience of the public and all other terms and all
22 conditions of purchase ~~which it~~ that the commission shall ascertain to be reasonable.

1 **SECTION 104.** 197.05 (3) of the statutes is renumbered 197.05 (3) (a) and
2 amended to read:

3 197.05 **(3)** (a) The compensation and other terms and the conditions of
4 purchase ~~thus~~ certified by the commission under sub. (2) shall constitute the
5 compensation and terms and conditions to be paid, followed and observed in the
6 purchase of ~~such~~ the plant from ~~such~~ the public utility. Upon the filing of ~~such~~
7 ~~certificate~~ the order issued under sub. (2) with the clerk of ~~such~~ the municipality the
8 absolute title of the property taken shall vest in ~~such~~ the municipality, ~~and, as.~~ As
9 to any ~~such~~ property to be taken that is located outside of Wisconsin, the circuit court
10 is vested with power to require ~~such~~ the public utility company to convey the ~~same~~
11 property to the municipality.

12 **(b)** Municipalities in adjoining states ~~which~~ that have determined to acquire
13 a public utility, part of which is located in Wisconsin, are authorized to acquire and
14 to hold and operate any part of ~~such~~ the public utility located in Wisconsin, provided,
15 ~~such~~ the adjoining state gives a similar power to Wisconsin municipalities.

NOTE: The reference to "certificate" is changed to "order" for internal consistency.
Replaces obsolete term "municipal council" with current terminology, breaks up long
sentences and subdivision, inserts specific cross-references and references and replaces
other language.

16 **SECTION 105.** 198.01 (3m) of the statutes is created to read:

17 198.01 **(3m)** "County clerk" means the clerk of the county containing the
18 largest number of voters within a district or proposed district.

NOTE: Moves the definition of "county clerk" from s. 198.03 (1) to clarify the
meaning of the term throughout the chapter.

19 **SECTION 106.** 198.02 of the statutes is amended to read:

20 **198.02 District, creation, powers.** A municipal power district may be
21 created as provided in this chapter and when so created shall be considered a

1 municipal corporation and may exercise the powers herein granted in this chapter.
2 Any ~~two~~ 2 or more municipalities, whether contiguous or otherwise or in the same
3 or different counties, may organize and incorporate as a municipal power district,
4 ~~but no.~~ No municipality shall may be divided in the formation of such a municipal
5 power district, ~~nor shall any~~ and no municipality shall be included therein in a
6 municipal power district unless approved by a majority of the votes cast ~~thereon~~ in
7 that municipality at an election under s. 198.06 on such the proposition of whether
8 a district should be created.

NOTE: Breaks up long sentences, replaces word form of number with digits, inserts specific cross-references and references and replaces other language.

9 **SECTION 107.** 198.025 of the statutes is amended to read:

10 **198.025 Plan for district.** It shall be the duty of the ~~public service~~ commission
11 upon request of the governing body of any city, village or town to work out with ~~such~~
12 the municipality, or with any group of municipalities interested with it in the
13 creation of a municipal power district, a feasible working plan for a proposed district.

NOTE: Section 198.01 (3) defines "commission" to mean the public service commission.

14 **SECTION 108.** 198.03 (title), (1) and (2) of the statutes are amended to read:

15 **198.03 (title) Procedure for organizing district; initiation.**

16 **(1) INITIAL RESOLUTION.** The governing bodies of one-half or more of the
17 municipalities proposed to be included in the district shall first pass resolutions,
18 declaring that public interest or necessity demands the creation and maintenance
19 of a municipal power district to be known as "the (giving the name) municipal
20 power district". ~~Such~~ The resolutions shall name the municipalities to be included
21 in the proposed district. Certified copies of such the resolutions shall ~~next~~ be
22 presented to the county clerk of the ~~county containing the largest number of voters~~

1 within the proposed district, requesting said the county clerk to call an election
2 without delay for determining whether such the district shall be created.

3 (2) PETITION IN LIEU OF RESOLUTION. In lieu of the resolutions provided for by
4 sub. (1), a petition may be presented to the county clerk of said county signed by at
5 least ten per cent 10% of the voters in said the proposed district. Such The petition
6 shall declare that, in the opinion of the petitioners, public interest or necessity
7 demands the creation and maintenance of a municipal power district. The petition
8 may be on separate sheets of paper, but each sheet shall contain the affidavit of the
9 person who circulated the same sheet, certifying that each name signed thereto on
10 that sheet is the true signature of the person whose name it purports to be.

NOTE: Clarifies title, replaces word form of number with digits, inserts specific references and replaces other language.

11 SECTION 109. 198.04 of the statutes is amended to read:

12 198.04 (title) **Second Procedure for organizing district; 2nd step.** (1)

13 NOTICE TO COMMISSION. Upon receipt of the certified copies of the resolutions adopted
14 under s. 198.03 (1) or the petition mentioned in presented under s. 198.03 ,such (2),
15 the county clerk shall ~~forthwith~~ immediately notify the public service commission in
16 writing that the municipalities filing said the resolutions or those named in said the
17 petition as constituting the proposed power district had petitioned the county clerk
18 to call an election without delay for determining whether such the district should be
19 created.

20 (2) REPORT OF COMMISSION. Within ~~ninety~~ 90 days after receipt of said the notice
21 of the county clerk under sub. (1), the public service commission shall file in writing
22 with said the county clerk its written recommendations as to the feasibility or
23 nonfeasibility of the proposed district with reasons ~~therefor~~ for the commission's

1 recommendations. Certified copies of ~~such~~ the commission's recommendations shall
2 at the same time be filed by the commission with the clerk of each municipality
3 included within ~~said~~ the proposed district.

4 **(3) ELECTION CALLED.** Upon receipt of ~~such~~ the commission's recommendations
5 of ~~the commission~~, or upon expiration of the ~~ninety day~~ 90-day period referred to in
6 sub. (2), ~~said~~ the county clerk shall call without delay an election within the proposed
7 district for the purpose of determining whether the proposed district shall be created.

NOTE: Section 198.01 (3) defines "commission" to mean the public service
commission. Clarifies title, replaces word form of number with digits, inserts specific
references and cross-references and replaces other language.

8 **SECTION 110.** 198.05 of the statutes is amended to read:

9 **198.05 Subdistricts, boundaries.** Every petition or resolution provided for
10 in s. 198.03 shall divide the proposed district into ~~five~~ 5 subdistricts, giving each a
11 number, except as provided in s. 198.07 (3). In the event that the boundaries of the
12 district as originally proposed are changed at the election, provided for by s. 198.06,
13 and approved by the commission pursuant to s. 198.06 (5), the commission shall
14 make ~~such~~ adjustments in the boundaries of the subdistricts ~~as may be~~ that are
15 necessary to comply with s. 198.07.

NOTE: Replaces word form of number with digits.

16 **SECTION 111.** 198.06 (5) of the statutes is renumbered 198.06 (5) (a) and
17 amended to read:

18 198.06 **(5)** (a) The board of canvassers shall cause a certified copy of the order
19 declaring the result of the election to be filed in the office of the secretary of state.
20 A certified copy of the order shall also be filed with the clerk of each municipality
21 included in the district, with the county clerk, and with the ~~public service~~
22 commission. ~~In case~~

1 **(b)** If the district as finally constituted comprises a smaller area than originally
2 proposed, because of the failure of one or more municipalities to approve the district
3 at the election, ~~then, within 10 days following the filing under par. (a) with the~~
4 ~~commission,~~ the commission shall, within 10 days following the filing of the order
5 under par. (a) with the commission, file its approval or disapproval of the district as
6 created by the election with the secretary of state, the clerk of each municipality
7 included in the district and the county clerk. ~~In such case, from and after~~ If the
8 commission approves, upon the filing by the commission of the approval the creation
9 and incorporation of the district shall be deemed considered complete, ~~or.~~ If the
10 commission disapproves, the district shall be deemed considered dissolved, ~~as the,~~
11 Except as provided in par. (c), the approval or disapproval of the commission shall
12 determine, and in the case of municipal water districts created under s. 198.22, be
13 final.

14 **(c)** In the case of municipal water districts created under s. 198.22, the approval
15 or disapproval of the commission shall be final unless objection ~~thereto~~ to the
16 commission's decision is made to the ~~public service~~ commission by one or more of the
17 governing bodies of the municipalities which would otherwise be included in the
18 district.

19 **(d)** If a district has been approved by all of the municipalities within the district
20 as proposed, the creation and incorporation of the district shall be deemed considered
21 complete ~~from and after~~ upon the filing of the result of the election with the secretary
22 of state by the board of canvassers.

NOTE: Subdivides provision, breaks up long sentences, inserts specific references,
and replaces, reorders and simplifies language for greater readability and conformity
with current style.

23 **SECTION 112.** 198.06 (6) of the statutes is amended to read:

1 198.06 (6) EXPENSES OF ELECTION, PAYMENT. All amounts properly incurred and
2 actually expended by any municipality ~~or the clerk thereof~~ in publishing notices of
3 any ~~primary or~~ election, in employing persons to conduct the election or in
4 performing other duties imposed upon the municipality or upon the clerk ~~thereof of~~
5 the municipality by any provision of this chapter shall be paid as other similar
6 expenses of the municipality are paid and shall be a charge in favor of the
7 municipality against the district to be repaid, together with interest thereon at the
8 rate of 6% per year, upon the presentation of proper vouchers ~~therefor~~ for the charges
9 by the clerk of the municipality to the district, when and as the district has funds
10 available for that purpose.

NOTE: Inserts specific references and deletes unnecessary phrase. Deletes
“primary” as that term is not used elsewhere in ch. 198.

11 **SECTION 113.** 198.07 (1) of the statutes is amended to read:

12 198.07 (1) The government of each district shall be vested in a board of ~~five~~ 5
13 directors.

NOTE: Replaces word form of number with digits.

14 **SECTION 114.** 198.07 (2) of the statutes is amended to read:

15 198.07 (2) The boundaries of the subdistricts shall be drawn ~~in such a manner~~
16 so that each shall contain approximately an equal number of voters, except that no
17 municipality shall contain more than ~~two~~ 2 subdistricts, nor shall any municipality
18 be divided unless it shall comprise more than one subdistrict.

NOTE: Replaces word form of number with digits and replaces other language.

19 **SECTION 115.** 198.07 (3) of the statutes is renumbered 198.07 (3) (intro.) and
20 amended to read:

1 198.07 (3) (intro.) Where a district includes a municipality ~~containing voters~~
2 ~~in excess of fifty per cent~~ that contains more than 50% of the voters in the entire
3 district ~~there shall be appointed a,~~ all of the following apply:

4 (a) A director at large shall be appointed.

5 (b) The territory in said the district, other than that contained in said the
6 municipality described in sub. (3) (intro.), shall be divided into only 2 subdistricts.

NOTE: Subdivides provision, inserts specific references and cross-references,
replaces word form of number with digits and replaces, reorders and simplifies language
for greater readability and conformity with current style.

7 **SECTION 116.** 198.08 (2) of the statutes is amended to read:

8 198.08 (2) (title) APPOINTMENT; MEETING OF MUNICIPAL EXECUTIVE OFFICERS.

9 Within ~~ten~~ 10 days after the creation and incorporation of ~~such a~~ municipal power
10 ~~district shall have been~~ is completed the chief executives in each subdistrict
11 containing more than one municipality shall meet for the selection of a director for
12 ~~said the~~ subdistrict. The time and place of ~~such the~~ the meeting shall be designated by
13 ~~said the~~ the county clerk.

NOTE: Clarifies title, replaces word form of number with digits and replaces other
language.

14 **SECTION 117.** 198.08 (3) of the statutes is amended to read:

15 198.08 (3) (title) APPOINTMENT, CONTINUED VOTE BY MUNICIPAL EXECUTIVE
16 OFFICERS. In the selection of a director for a subdistrict each chief executive shall have
17 one vote for each ~~one thousand~~ 1,000 voters within that chief executive's
18 municipality, or ~~such the~~ the part thereof as of the municipality that is located in said
19 the subdistrict. A three-fourths vote shall be necessary for the selection of a director.
20 The result of ~~said the~~ the selection of the director shall be certified to by the chairperson
21 and clerk of ~~said the~~ the meeting and ~~forthwith~~ immediately filed with the secretary of
22 state and the clerk of each municipality in ~~said the~~ the district.

NOTE: Clarifies title, replaces word form of number with digits and replaces other language.

1 **SECTION 118.** 198.08 (5) of the statutes is amended to read:

2 198.08 (5) APPOINTMENT BY EXECUTIVE. Where a municipality contains ~~two~~ 2
3 subdistricts or where a subdistrict includes only one municipality, the chief executive
4 of ~~such~~ the municipality shall select a director for each such subdistrict, and shall
5 immediately file forthwith a certified copy ~~thereof~~ of the selection as provided by sub.
6 (3).

NOTE: Replaces word form of number with digits and replaces other language.

7 **SECTION 119.** 198.08 (7) of the statutes is amended to read:

8 198.08 (7) TERM, OATH. The regular term of directors of the district after the first
9 term shall be ~~for four~~ 4 years. Each director shall hold office until the director's
10 successor is selected and qualifies. Each director shall, before entering upon the
11 discharge of the director's duties, take and subscribe to the constitutional oath of
12 office. ~~Such~~ Each director's oath shall be filed in the office of the clerk of the district.

NOTE: Replaces word form of number with digits and replaces other language.

13 **SECTION 120.** 198.08 (9) of the statutes is amended to read:

14 198.08 (9) CLASSIFICATION. Directors selected from ~~odd-numbered~~
15 ~~odd-numbered~~ subdistricts shall for the first term serve for a period ~~which~~ that shall
16 end ~~two~~ 2 years after the first Monday of May of the next ~~even-numbered~~
17 ~~even-numbered~~ year. Directors selected from ~~even-numbered~~ even-numbered
18 subdistricts shall for the first term serve for a period which shall end ~~four~~ 4 years
19 after the first Monday of May of the next ~~even-numbered~~ even-numbered year. For
20 the purposes of this section directors at large shall be considered to be from ~~odd~~
21 ~~numbered~~ odd-numbered subdistricts.

NOTE: Replaces word form of number with digits and replaces other language.

1 **SECTION 121.** 198.09 of the statutes is amended to read:

2 **198.09 Vacancies, declared, filled.** ~~The death of a director, the~~ A director's
3 ~~death,~~ resignation, ~~the director's disability~~ inability to continue for any cause to act
4 as director or ~~the director's~~ change of residence from the subdistrict in which the
5 director was selected shall vacate that director's office. The board shall by resolution
6 declare the office vacant and a certified copy of such ~~the~~ resolution shall be filed
7 ~~forthwith~~ immediately by the clerk of the district with the clerk of each municipality
8 included within the district. A successor for the unexpired term shall, within ~~twenty~~
9 20 days after such ~~the~~ filing of the resolution, be selected by the officer or officers who
10 selected the director whose office has been declared vacant.

NOTE: Replaces word form of number with digits and replaces other language.

11 **SECTION 122.** 198.10 (1) of the statutes is amended to read:

12 **198.10 (1) TAXABLE PROPERTY, TAXES.** All real property situated in and all
13 personal property the situs of which for purposes of general property taxation is in
14 the district shall be subject to taxation in and by the district for a direct annual tax
15 sufficient to pay the interest on any indebtedness of said ~~said~~ the district, and also to pay
16 and discharge the principal ~~thereof~~ of the indebtedness within ~~twenty~~ 20 years from
17 the time of contracting the same indebtedness.

NOTE: Replaces word form of number with digits and replaces other language.

18 **SECTION 123.** 198.11 (1) of the statutes is amended to read:

19 **198.11 (1)** Each director of the district shall receive compensation from the
20 district for the director's services as such ~~a~~ director at the rate of ~~ten dollars~~ \$10 for
21 each day ~~that~~ the director ~~shall attend~~ attends meetings of the board or of any
22 committee of the board of which the director ~~shall be~~ is a member, when the meeting
23 of such ~~the~~ committee is authorized by vote or resolution of the board, ~~but such~~ except

1 ~~that the~~ compensation paid to a director shall not exceed ~~the sum of one thousand~~
2 dollars \$1,000 in any one year. Each director shall also be entitled to be reimbursed
3 for the actual and necessary traveling and hotel expenses incurred by the director
4 whenever it shall be necessary for the director to travel outside of the municipality
5 in which the director resides to attend meetings of the board or a committee of the
6 board of which the director is a member or to render any other service or discharge
7 any other duty to the district which may be required of the director by law or by vote
8 or resolution of the board.

NOTE: Replaces word form of number with digits and replaces other language.

9 **SECTION 124.** 198.13 (3) (a) and (b) of the statutes are amended to read:

10 198.13 (3) (a) ~~Where~~ If within ~~two~~ 2 years of its creation a district has not
11 become the owner or operator, or commenced construction, of a public utility. Any
12 time consumed in any proceeding or contest before any commission or court shall not
13 be included as part of ~~said two-year~~ 2-year period.

14 (b) ~~Where~~ If a district has disposed of all of its utility property and for one year
15 thereafter ~~shall~~ has not ~~have~~ owned or operated a public utility.

NOTE: Replaces word form of number with digits and replaces other language.

16 **SECTION 125.** 198.13 (5) of the statutes is amended to read:

17 198.13 (5) In the event of dissolution, a district shall first retire all outstanding
18 obligations of the district insofar as the proceeds derived from ~~such~~ the disposal of
19 its utility property will permit, ~~and all.~~ All assets or proceeds remaining, if any, shall
20 be distributed to municipalities within the boundaries of the district in proportion
21 to the taxes levied and collected by them for the district during the existence of the
22 district, up to an amount sufficient to repay all ~~such~~ of those taxes; ~~and any.~~ Any
23 proceeds remaining ~~proceeds~~ after repayment of the taxes shall be distributed to

1 such the municipalities within the boundaries of the district in proportion to the
2 shares of the gross operating revenues of the district for its last full ~~five~~ 5 years of
3 operation derived from payments for services furnished within the boundaries of
4 each such municipality.

NOTE: Breaks up long sentence, inserts specific references, replaces word form of
number with digits and replaces other language.

5 **SECTION 126.** 198.14 (9) of the statutes is renumbered 198.14 (9) (intro.) and
6 amended to read:

7 198.14 (9) BOND ISSUES, DEBT LIMIT. (intro.) To provide by ordinance for the
8 issuance and sale of bonds of the district to finance the purchase, acquisition or
9 construction of any utility or parts thereof of the utility or additions, extensions or
10 betterments thereto, ~~when and as the same~~ to the utility, that may be authorized, and
11 to authorize and require the execution of such the bonds by the chairperson of the
12 board and the clerk of the district under the corporate seal of the district, and to
13 approve the form of such the bonds and prescribe the duties of the clerk and treasurer
14 of the district with respect to the sale thereof of the bonds and the application of the
15 proceeds to the purposes for which the ~~same~~ bonds were issued; ~~provided, that the,~~
16 Bonds issued under this subsection shall be subject to all of the following:

17 (a) The total amount of all indebtedness of the district shall not exceed ~~five per~~
18 ~~centum on~~ 5% of the assessed value of the taxable property in the district, to be
19 ascertained by the last preceding assessment for the state and county taxes, ~~and~~
20 ~~provided, that by the,~~

21 (b) The ordinance authorizing such the indebtedness there shall be levied levy
22 a direct, annual, district tax sufficient to pay the interest on such the debt as it falls

1 ~~becomes~~ due, and also to pay the principal ~~thereof of the debt~~ within ~~twenty~~ 20 years
2 from the time of contracting the same debt.

3 (c) All ~~of the~~ bonds shall mature in annual instalments, ~~and the~~. The first
4 instalment of principal shall ~~fall~~ be due and be payable not later than ~~two~~ 2 years
5 after the date of issue; ~~and the~~. The sum of the principal and interest due in any year
6 after the first year shall not exceed the sum of the principal and interest due in any
7 previous year by more than a denomination of a single bond issued.

8 (d) All ~~such of the~~ bonds shall contain a provision requiring redemption ~~thereof~~
9 of the bond, in whole or in part, at the option of the district on any interest payment
10 date after ~~three~~ 3 years from the date of the bonds.

11 (e) The authorization by the board of any ~~such~~ bonds shall be approved by a
12 majority vote of the electors of the district voting at a referendum election noticed,
13 held, conducted, and canvassed and the returns thereof made as nearly as may be
14 in the manner provided for a referendum vote on the issuance of county bonds under
15 ch. 67.

16 (f) The income of a district from any source other than taxation may be applied
17 for the payment of part or all of the instalments of interest on and principal of ~~such~~
18 the bonds due in any year; ~~and any~~. Any surplus remaining ~~over~~ may be redistributed
19 at any time to municipalities within the boundaries of ~~such~~ the district in proportion
20 to, and in a total amount not more than, the taxes levied and collected by ~~them~~ the
21 municipalities for the district during the existence of the district, or ~~such~~ the surplus
22 may be held by the district for the payment of its expenses, including the payment
23 of subsequent instalments of interest and principal as they ~~fall~~ become due.

24 (g) Any sums collected by taxation to be used for the payment of interest on and
25 principal of ~~such~~ the bonds, and not required in any year for that purpose, shall be

1 held by the district to be used for that purpose in any succeeding year; and the tax
2 provided for in this section shall be collected in ~~such~~ the succeeding year only in an
3 amount sufficient, together with any balance remaining over from the proceeds of
4 taxation in previous years, to pay the instalments of interest on and principal of ~~such~~
5 the bonds due in that year.

6 (h) Except as otherwise provided by this chapter ~~such~~, the bonds shall be issued
7 as nearly as may be in the manner provided by ch. 67 for county bonds.

NOTE: Subdivides provision, breaks up long sentence, inserts specific references,
replaces word form of numbers with digits and replaces other language.

8 **SECTION 127.** 198.145 (3) of the statutes is amended to read:

9 198.145 (3) The board shall appoint a general manager and may appoint and
10 fix the duties of an attorney, a clerk, a treasurer and ~~such~~ any other officers as they
11 ~~deem that the board considers necessary, which appointees.~~ Each appointee shall
12 hold office ~~during~~ at the pleasure of the board, and ~~which appointees shall give such~~
13 ~~bonds and in such amounts as~~ a bond in an amount that the board may require.

NOTE: Breaks up long sentence and replaces language for greater readability and
conformity with current style.

14 **SECTION 128.** 198.17 (1) of the statutes is renumbered 198.17 (1g) and amended
15 to read:

16 198.17 (1g) (title) DECLARATION OF INTENTION, ~~NOTICE, OFFER TO SELL~~ ACQUIRE
17 UTILITY. ~~Whenever the board of directors shall make and~~ A district, by resolution or
18 ordinance, adopted by the affirmative votes of two-thirds of the ~~its~~ directors-elect,
19 may declare the determination of the district to acquire any existing utility ~~or portion~~
20 thereof, ~~including any water power and hydroelectric power plant owned and~~
21 operated therewith which utility or portion thereof is operated in whole or in part in
22 the district. Upon adoption of the declaration, the clerk of the district shall forthwith

1 serve immediately on the commission and ~~on the owner of such utility or on the agent~~
2 ~~or representative of the owner in possession or charge thereof, a true a copy, duly of~~
3 the declaration, certified by the clerk under the seal of the district, ~~of such resolution~~
4 ~~or ordinance. If, within thirty,~~

5 **(1m)** (title) VOLUNTARY SALE OF UTILITY. (a) Within 30 days after the service of
6 ~~such resolution or ordinance~~ the declaration upon the owner, ~~or the agent or~~
7 ~~representative of the owner, such owner shall propose voluntarily~~ may propose to sell
8 ~~and transfer such~~ the utility to the district upon terms and conditions to be mutually
9 agreed upon between such the owner and the directors ~~of the district~~ and approved
10 by the commission, ~~and.~~ The owner shall serve a copy of such the proposal upon the
11 district and ~~upon the commission, the.~~ The commission shall fix a time and place for
12 a public hearing and consideration of such the proposal and notify the owner and the
13 district thereof of the hearing.

14 (b) If terms and conditions of purchase and the sale shall be of the utility to the
15 district are agreed upon by ~~and between~~ the directors and the owner and approved
16 by the commission, all of the following shall occur:

17 1. The commission shall announce its approval thereof of the sale in writing
18 ~~and the board.~~

19 2. The directors shall by resolution authorize and direct the written execution
20 on the part of the district of such each contract ~~in writing~~ and other instrument and
21 ~~take any and~~ the taking of every other action ~~with reference thereto~~ necessary or
22 appropriate to consummate such purchase and the sale and the transfer to the
23 district of possession of such ~~acquired property and payment therefor~~ the utility in
24 accordance with the terms of such the agreement between the owner and the district.

NOTE: Subdivides provision to group related material and creates a title, renumbers sub. (1) to accommodate definitions, deletes surplus verbiage, inserts specific references and defined terms, replaces word form of numbers with digits and replaces other language.

1 **SECTION 129.** 198.17 (1) of the statutes is created to read:

2 198.17 (1) DEFINITIONS. In this section:

3 (a) "Declaration" means a resolution or ordinance adopted by the directors of
4 a district under sub. (1g) which identifies the utility which the district seeks to
5 acquire.

6 (b) "Owner" means the owner of a utility, and, for purposes of the service of
7 documents on the owner, includes all agents and representatives of the owner.

8 (c) "Utility" includes a portion of a public utility, including any water power and
9 hydroelectric power plant owned and operated with the utility.

NOTE: Creates definition provision to simplify remainder of the section.

10 **SECTION 130.** 198.17 (2) of the statutes is renumbered 198.17 (2) (a) and
11 amended to read:

12 198.17 (2) (a) If the owner shall fail ~~has consented in any manner provided by~~
13 law to the purchase of the utility by the public or any municipality and one of the
14 following applies, the commission and the parties shall proceed to determine, in the
15 manner provided in ss. 197.05 to 197.09, the just compensation to be paid to the
16 owner by the district for the utility identified in the declaration:

17 1. The owner fails to make and serve on the district and upon the commission
18 within the time limited therefor in sub. (1) a proposal voluntarily to sell and transfer
19 to the district the property determined, as therein provided, to be acquired, or, if the
20 utility identified in the declaration in the time and manner described in sub. (1m).

1 ~~2. The owner and the board shall fail~~ directors fail to agree upon terms and
2 conditions of purchases and sales and of the transfer thereof for the sale of the utility
3 identified in the declaration to the district, ~~or if the,~~

4 ~~3. The commission shall fail~~ fails to approve the same if the terms of sale of the
5 utility identified in the declaration agreed upon, ~~and if the owner shall have~~
6 ~~consented in any manner provided by law to the purchase of such utility by the public~~
7 ~~or any municipality, the commission and the parties shall proceed to determine the~~
8 ~~just compensation to be paid by the district to the owner of such property therefor~~
9 ~~and to accomplish the transfer of the possession and ownership thereof to the district~~
10 ~~in the manner provided by ss. 197.05 to 197.09, and by the owner and the directors.~~

11 (b) Upon the determination of just compensation for the utility identified in the
12 declaration, the commission shall certify to the district and to the owner ~~or owners~~
13 the amount of such compensation to be so paid for the utility identified in the
14 declaration, and the directors shall provide for and authorize payment of ~~the same~~
15 that amount to the parties entitled ~~thereto~~ to payment.

NOTE: Subdivides provision and reorders text, inserts specific references and defined terms, and replaces other language.

16 **SECTION 131.** 198.17 (2a) of the statutes is renumbered 198.17 (5m) and
17 amended to read:

18 198.17 **(5m)** (title) ALTERNATIVE MODE OF ACQUIRING UTILITY. Upon the initiation
19 of steps for the formation of a district, or later, any municipality within a district or
20 a proposed district may, in lieu of the other procedure provided by this section,
21 determine, as provided by s. 197.02, ~~upon the acquisition of~~ to acquire any utility
22 operating within the municipality under the terms of an indeterminate permit, as
23 defined in s. 196.01, on behalf of and for the benefit of the district, subject to the

1 conditions and by the procedure set forth and described in ch. 197, ~~and any.~~ Any 2
2 or more municipalities within such a district or proposed district may, in the same
3 manner, determine ~~in the same manner upon the joint acquisition in the same~~
4 ~~manner of such~~ to jointly acquire utilities operating within such the municipalities,
5 on behalf of and for the benefit of such the district. The municipalities and districts
6 may enter into contracts for the transfer and conveyance of such the utilities to such
7 the districts immediately upon the acquisition ~~thereof~~ of the utilities by such the
8 municipalities, and for the simultaneous payment of the purchase price ~~therefor~~ for
9 the utilities by such the districts; ~~and to.~~ The municipalities and districts may join
10 in such any conveyances, and do all such acts as are necessary to execute such the
11 contracts; subject to the provisions of this chapter governing the powers of districts
12 to enter into transactions, and incur indebtedness, generally.

NOTE: Renumbers provision for more logical placement within the section, breaks up long sentences, inserts specific references and replaces other language for greater readability and conformity with current style.

13 **SECTION 132.** 198.17 (3) (title) of the statutes is amended to read:

14 198.17 (3) (title) ACTION TO DETERMINE NECESSITY OF TAKING OF UTILITY.

15 **SECTION 133.** 198.17 (3) of the statutes is renumbered 198.17 (3) (a) and
16 amended to read:

17 198.17 (3) (a) If the owner of such the utility ~~shall~~ identified in the declaration
18 has not have consented in any manner provided by law and ~~shall~~ has not have become
19 legally bound to consent to the purchase by the public or any municipality of such the
20 utility ~~or any part thereof so determined to be acquired by the district~~, the general
21 counsel of the district shall, before proceedings are had under sub. (2), ~~cause to be~~
22 ~~instituted and prosecuted~~, commence an action to determine the necessity of the
23 taking of the utility by the district. The action shall be brought in the name and

1 behalf of the district in the circuit court for the county in which the principal
2 administrative office of the district is located, ~~an action against the owner or owners~~
3 ~~of such public~~ the utility as defendant ~~or defendants~~, praying the court for an
4 adjudication as to of the necessity of such the taking ~~by the district, in which the~~
5 ~~complaint. The complaint in the action~~ shall be served with the summons.

6 (b) The defendant or ~~defendants~~ owner shall answer in said the action
7 commenced under par. (a) within ten 10 days after such service of the summons and
8 complaint on the owner and the action shall be at issue and stand ready for trial upon
9 ten 10 days' notice by either party. Unless the parties ~~thereto~~ waive a jury, the
10 question as to the necessity of the taking of such ~~property~~ the utility by the district
11 shall be as speedily as possible submitted to a jury. If the jury or the court, in case
12 a jury is waived, ~~shall find~~ finds that a necessity exists for the taking by the district
13 of such ~~property, or for the taking thereby of that part thereof to the public or~~
14 ~~municipal purchase of~~ the utility, to which the owner shall not have consented, the
15 directors shall cause speedy notice of such the finding of necessity to be certified to
16 the commission and ~~to the owner or owners of such property, and the.~~ The
17 commission and the parties shall then proceed to the ascertainment of the just
18 compensation to be paid by the district to the ~~owners of such property therefor, and~~
19 ~~the owner for the utility. The consummation of the transfer of the same utility to the~~
20 district and the payment of such the compensation, to the owner shall be in the
21 manner provided in sub. (2).

NOTE: Subdivides provision, breaks up long sentences, inserts specific references
and replaces other language for greater readability and conformity with current style.

22 **SECTION 134.** 198.17 (4) of the statutes is amended to read:

1 198.17 (4) MUNICIPAL UTILITY EXEMPTION. No utility owned by any municipality
2 within the district shall be acquired by the district, except by mutual agreement
3 pursuant to sub. (1) (1m), until the district ~~shall have~~ has first obtained, from the
4 commission, after notice and hearing accorded to the municipality, a certificate that
5 public necessity and convenience require that ~~such~~ the utility be owned and operated
6 by the district. If ~~such~~ the certificate is granted the consummation of the acquisition
7 shall be in the manner provided in sub. (2).

NOTE: Amends cross-reference in accordance with renumbering by this bill and
replaces other language for greater conformity with current style.

8 **SECTION 135.** 198.17 (5) of the statutes is renumbered 198.17 (5) (a) and
9 amended to read:

10 198.17 (5) (a) If the ~~board of directors of the district shall be of the opinion~~
11 determine that the district should acquire any part ~~less than the whole of the~~
12 physical property of any utility which is or may be owned and operated as an entirety,
13 the ~~board~~ directors shall, before adopting any resolution or ordinance declaring the
14 determination of the district to acquire ~~such~~ the property, apply to the commission
15 for and obtain the commission's certificate of authority ~~so to do~~ so. The application
16 of the district for ~~such~~ the certificate shall state with reasonable certainty the part
17 ~~or parts of such~~ the utility proposed to be acquired and the part ~~or parts thereof of~~
18 the utility not proposed to be acquired and ~~the~~. The application shall also state the
19 facts with respect to ~~such~~ the properties to be acquired and the considerations on
20 which the board of directors rely to show that ~~such~~ only the part or parts, rather than
21 ~~the whole of such~~ the utility sought by the district should be acquired by the district.
22 A copy of ~~such~~ the application shall be served upon the owner ~~or owners~~ of the utility

1 affected and upon any municipality, whether within or without the district, in which
2 such the utility operates or furnishes any service.

3 (b) The commission shall fix a time and place for hearing ~~on such the~~
4 application made under par. (a) and shall give ~~ten~~ 10 days' notice ~~thereof of the~~
5 hearing to all parties interested ~~and. The commission~~ shall conduct a public hearing
6 and investigation concerning the matters ~~therein~~ alleged in the application and shall
7 make and file written findings and conclusions with respect ~~thereto~~ to those matters.
8 Before approving such the application and granting the certificate of authority
9 herein applied for, the commission shall ascertain and find:

10 1. That the acquisition by the district of the part ~~or parts~~ of such the utility, as
11 ~~in such application~~ proposed in the application, will be of greater financial, economic
12 and industrial advantage to the district than the acquisition of the ~~whole of such~~
13 utility as an entirety as operated.

14 2. That the acquisition by the district of the part ~~or parts~~ of such the utility, as
15 ~~in such application~~ proposed in the application, will not result in any substantial
16 injury to public interests or impairment of public service that would not result if such
17 the utility was acquired as an entirety and continued to be operated as such an
18 entirety.

19 3. That the acquisition by the district of the part ~~or parts~~ of such the utility, as
20 ~~in such application~~ proposed in the application, will not render the part ~~or parts~~
21 ~~thereof of the utility that will~~ not be acquired incapable of continuing to render any
22 substantial public service being rendered ~~thereby~~ by the utility adequately and at
23 reasonable rates, tolls or charges for such the service.

NOTE: Subdivides provision, replaces word form of number with digits, deletes
redundancies, inserts specific references and replaces other language.

1 **SECTION 136.** 198.17 (8) of the statutes is amended to read:

2 198.17 (8) MUNICIPAL LOANS TO DISTRICTS. Any municipality situated within the
3 boundaries of ~~such~~ a district may provide for a loan to ~~such~~ the district to pay the
4 preliminary organization and administration expenses ~~thereof~~ of the district, on
5 ~~such~~ the terms as that the governing bodies of ~~such~~ the municipality and ~~such~~ the
6 district ~~may agree upon; provided, that any such.~~ The lending municipality shall
7 have the right, at its option, to receive bonds or other obligations of ~~any such~~ the
8 borrowing district of any issue, providing for the payment of an amount of principal
9 equal to that of the loan ~~hereby~~ authorized under this subsection, in place of the
10 obligations created by ~~such~~ the loan; ~~and provided further that the.~~ The terms of
11 ~~such~~ a loan under this subsection shall in every case provide that ~~such~~ a the
12 municipality making the loan shall receive interest from the date of the loan at not
13 less than the rate of interest provided for in the first bonds or other securities issued
14 by ~~such~~ the district, to become due at the date of issue of ~~such~~ the securities, or at
15 some specified date ~~theretofore, prior to~~ or at some specified date not more than one
16 year ~~thereafter~~ after the date of issue, subject to the limitation of total indebtedness
17 of the district contained in s. 198.14 (9).

NOTE: Breaks up long sentences, inserts specific references and replaces other language for greater readability and conformity with current style.

18 **SECTION 137.** 198.20 of the statutes is renumbered 198.20 (1) and amended to
19 read:

20 198.20 (1) Any ~~two~~ 2 power districts may be consolidated by ordinance, passed
21 by a two-thirds vote of all of the members of the board of each power district, fixing
22 the terms of the consolidation and ratified by the electors at a referendum held in
23 each district. The ballots shall bear the words, "For Consolidation," and "Against

1 Consolidation,”and if, If a majority of the votes cast ~~thereon~~ on the question of
2 consolidation in each district shall be for consolidation, the ordinance shall be in
3 effect and have the force of a contract. ~~Such~~

4 **(2)** ~~The~~ election, and all matters pertaining ~~thereto~~ to the election not
5 otherwise provided for in this section, shall be held and conducted and the result
6 ~~thereof ascertained, determined~~ and declared in accordance with s. 198.06 (3) and
7 (4). The ordinance and the result of the referendum shall be certified to the secretary
8 of state. ~~From and after such~~ After certification ~~said, the~~ consolidation shall be
9 deemed considered complete. Consolidation shall not affect the preexisting rights
10 or liabilities of any power districts and actions ~~thereon~~ on those rights and liabilities
11 may be commenced or completed as though no consolidation had been effected.

NOTE: Breaks up sentence, inserts specific references, deletes redundancy and
replaces other language for greater readability and conformity with current style.

12 **SECTION 138.** 198.21 of the statutes is amended to read:

13 **198.21 District obligations inviolate.** Any provision of this chapter may be
14 altered, amended or repealed at any time by the legislature, but no amendment,
15 repeal or alteration ~~thereof~~ shall ever be enacted which shall release any district
16 ~~organized thereunder~~ from any liability which it shall incur for the acquisition of
17 property or for obtaining funds for the purposes of the district. The guarantees of this
18 section shall ~~be deemed and held to inhere in and become~~ be a part of every contract
19 authorized by this chapter and entered into by any district ~~thereunder~~ under this
20 chapter.

NOTE: Inserts specific references, deletes redundancies and replaces other
language for greater readability and conformity with current style.

21 **SECTION 139.** 198.22 (2) (intro.) of the statutes is amended to read:

1 198.22 (2) DEFINITIONS. (intro.) The provisions of ss. 198.01 to 198.04, 198.06
2 (2) to (7), 198.10 (5), 198.12 (1) to (5), 198.13 (3) to (5), 198.14 (1), (2), (5) to (8) and
3 (10) to (15), 198.145, 198.15, 198.165, 198.17 (6) to (8), 198.18 (2) to (5), 198.21 and
4 893.77 (3) ~~as now in effect or as subsequently amended~~ shall apply to municipal
5 water districts, except that ~~in this section and in the above mentioned statutory~~
6 ~~provisions, adopted herein by reference~~ as applied to this section the following shall
7 apply:

 NOTE: Eliminates unnecessary language and modernizes and clarifies remaining
 language.

8 **SECTION 140.** 213.02 (title) of the statutes is amended to read:

9 **213.02** (title) **Trustees; their City and village fire company trustees:**
10 **election,; powers.**

11 **SECTION 141.** 213.02 of the statutes is renumbered 213.02 (1) and amended to
12 read:

13 213.02 (1) The members of any ~~fire engine, hook and ladder, sack or other fire~~
14 company, in any city or village, which shall have has been duly organized and shall
15 have has elected such those officers as they are by law required to ~~do~~ by law, and
16 whose organization and election of officers shall ~~have~~ have been confirmed or
17 sanctioned by the ~~common council of such city or board of trustees of such the~~
18 governing body of the city or village, may, when assembled at their usual place of
19 meeting and according to the rules of such ~~the~~ the company, elect annually not less than
20 ~~three 3~~ three 3 nor more than ~~nine 9~~ nine 9 trustees ~~to take.~~ The trustees shall have the power to
21 do any of the following:

1 (a) ~~Take~~ charge of the estate and property of such the fire company, and
2 transact all business relative to the investment, care and disposal thereof; they may
3 have of the property.

4 (b) ~~Have~~ a common seal and that the trustees may alter ~~the same~~ at their
5 pleasure, and may take.

6 (c) ~~Take~~ possession of, and, pursuant to the rules and regulations of such the
7 company, may manage, control, purchase, take, receive, recover and hold, sell,
8 convey, mortgage, demise, lease and improve all of the property of such the company,
9 including all burial places belonging thereto to the company and erect and put in
10 repair all buildings necessary therefor, and may sue for the company.

11 (d) ~~Sue~~ and be sued in all matters pertaining to such the property and the debts,
12 claims, demands and liabilities of such the company; and under the name in which
13 they shall sue or be sued shall be the "trustees of" (name the company of which
14 they are trustees)". ~~And all real estate or other~~

15 (2) All property that has been or may hereafter be conveyed by devise, gift,
16 grant, purchase or otherwise to such a fire company or to any person as trustee for
17 the use thereof of a fire company shall vest in them the trustees of the company as
18 fully as if originally conveyed to them the trustees, and shall be held by them the
19 trustees and their successors in trust for such the company, but subject to be
20 managed, improved, leased, conveyed and disposed of as above provided the
21 provisions of sub. (1).

NOTE: Subdivides provision, inserts specific references and cross-references,
replaces word form of number with digits, deletes redundancies and replaces other
language for greater readability and conformity with current style. The title is amended
to clarify the distinction between ss. 213.02 to 213.04 and ss. 213.05 to 213.08.

22 **SECTION 142.** 213.03 of the statutes is amended to read:

1 **213.03** (title) ~~Term; City and village fire company trustees: term;~~
2 ~~vacancies.~~ Such trustees Trustees of a fire company, elected under s. 213.02, shall
3 hold ~~their offices~~ office for one year and until their successors are elected, ~~but.~~ A
4 trustee may be removed at any time by ~~sueh~~ the company for cause, after ~~having the~~
5 trustee has had an opportunity to be heard in his or her defense; ~~and every.~~ Every
6 vacancy in the office of trustee may be filled for the residue of the term. Any ~~two~~ 2
7 trustees may call a meeting of the trustees and a majority, being convened according
8 to the bylaws of ~~sueh~~ the company, may transact any business authorized to be done
9 by them.

NOTE: Breaks up long sentence, inserts specific references and cross-references, replaces word form of number with digits and replaces other language for greater readability and conformity with current style. The title is amended to specify the section subject matter.

10 **SECTION 143.** 213.04 of the statutes is amended to read:

11 **213.04** (title) ~~Fire City and village fire companies; how disbanded.~~ The
12 common council of any city or the board of trustees of any village in which any ~~sueh~~
13 fire company may be located shall have power to disband any ~~sueh~~ fire company for
14 misconduct or when they ~~deem~~ consider it proper; ~~and whenever.~~ Whenever any
15 ~~sueh~~ fire company shall be so is disbanded under this section, the foreman thereof
16 of the fire company shall immediately call a meeting of the company forthwith, ~~at~~
17 ~~which provision shall be made~~ to provide for the disposal of its ~~real and personal~~ the
18 company's property; ~~and the.~~ The powers of the trustees then in office shall continue
19 for ~~sueh~~ the purpose of disposing of the company's property and settling up its
20 business affairs.

NOTE: Breaks up long sentence, inserts specific references and replaces other language for greater readability and conformity with current style. The title is amended to clarify the distinction between ss. 213.02 to 213.04 and ss. 213.05 to 213.08.

21 **SECTION 144.** 213.05 of the statutes is amended to read:

1 **213.05** (title) **Organization of town fire companies**. Any number of
2 persons, not less than 15, not residing in any city or village may organize a fire
3 engine, ~~hook and ladder, sack or other~~ fire company as a nonstock corporation under
4 ch. 181 for the protection of life and property ~~in the manner prescribed in ch. 181 and~~
5 ~~thereupon.~~ A corporation organized under this section shall have all of the powers
6 of a corporation, including the powers respecting real estate ~~under these statutes~~
7 necessary or proper to accomplish the purposes prescribed by ~~its~~ the company's
8 articles of organization, and shall be governed by all of the provisions of ~~these the~~
9 statutes applicable ~~thereto~~ to fire companies and nonstock corporations.

NOTE: Breaks up long sentence, inserts specific references deletes redundancies
and replaces other language for greater readability and conformity with current style.
The title is amended to clarify the distinction between ss. 213.02 to 213.04 and ss. 213.05
to 213.08.

10 **SECTION 145.** 213.06 of the statutes is amended to read:

11 **213.06** (title) **Purposes of town fire companies; refusal to act**. The
12 purposes and objects of ~~such a~~ corporation organized under s. 213.05 shall be to aid
13 and assist in the extinguishment of fires at or near the place of ~~its~~ the corporation's
14 ~~location, and for a refusal.~~ If the company refuses, when notified, to attend any fire
15 within three-quarters of a mile from the location of the engine or truck house ~~such,~~
16 the corporation shall forfeit the sum of fifty dollars \$50.

NOTE: Inserts specific references and cross-references, replaces word form of
number with digits and replaces other language for greater readability and conformity
with current style. The title is amended to clarify the distinction between ss. 213.02 to
213.04 and ss. 213.05 to 213.08.

17 **SECTION 146.** 213.07 of the statutes is amended to read:

18 **213.07** (title) **Reports Town fire company reports; exemptions**. The
19 secretary of each ~~such~~ corporation organized under s. 213.05 shall, within ~~ten~~ 10
20 days after the election of officers in each year, deliver to the town clerk a report giving

1 the names of the officers elected for the ensuing year and the names of all the active
2 members of such the corporation at on the date of such the election. The town clerk
3 shall file the ~~same~~ report in the clerk's office, and, when required, give a receipt
4 therefor. Each ~~and every~~ member of such the corporation ~~so reported to the clerk~~
5 under this section shall be exempted from military duty except in case of war,
6 invasion or insurrection; ~~and such.~~ A corporation organized under s. 213.05 and each
7 of the active members ~~thereof~~ of the corporation shall have and be entitled to all of
8 the benefits conferred upon fire companies and the members ~~thereof~~ of fire
9 companies by any general law of the state. Any ~~such~~ secretary of a corporation
10 organized under s. 213.05 who ~~shall~~ falsely report reports to the town clerk that any
11 person is a member of ~~any such~~ the corporation for the purpose of getting the person
12 the benefits conferred in this section shall forfeit \$25 for each ~~such~~ offense
13 ~~twenty-five dollars.~~

NOTE: Inserts specific references and cross-references, replaces word form of number with digits and replaces other language for greater readability and conformity with current style. The title is amended to clarify the distinction between ss. 213.02 to 213.04 and ss. 213.05 to 213.08.

14 **SECTION 147.** 213.08 of the statutes is amended to read:

15 **213.08** (title) **What is a town fire department.** One ~~such fire company~~ or
16 more companies organized under s. 213.05, with not less than 30 active members,
17 having at least one good fire engine and not less than 500 feet of sound hose kept in
18 an engine house, fit and ready at all times for actual service, and one ~~such hook and~~
19 ~~ladder company~~ or more companies organized under s. 213.05, with not less than 15
20 active members and equipped with at least one good hook and ladder truck, ~~both~~
21 located not more than one mile apart in the same town, shall constitute a fire
22 department. The members of ~~such~~ the companies that make up the fire department
23 may meet and elect one of their members chief of ~~such~~ the fire department, ~~who.~~ The

1 ~~chief shall hold the office for one year and until a successor is elected; the.~~ The chief
2 ~~shall have control of such~~ the companies that make up the fire department and they
3 ~~those companies shall obey the chief's orders at all times; and the.~~ The chief shall
4 also have all of the powers and privileges and be subject to the same penalties as fire
5 wardens of ~~incorporated villages under ch. 61.~~

NOTE: Divides long sentence and adds specific references and cross-references.
Restores "town" to title, which was dropped in the 1951 statutes without legislative
action. Village fire wardens have not been provided for since the repeal of the then
existing ch. 61 by Chapter 183, Laws of 1933.

6 **SECTION 148.** 213.095 of the statutes is renumbered 213.095 (intro.) and
7 amended to read:

8 **213.095 Police power of fire chief, rescue squads.** (intro.) The chief, chief
9 engineer, assistant engineer, captain, lieutenant, executive officer or other person in
10 charge of any volunteer fire company, association, fire district, or any other
11 organization organized or created for the purpose of extinguishing fires and
12 preventing fire hazards, or first aid calls involving either persons or property, shall
13 have authority to ~~suppress~~ do any of the following:

14 (1) Suppress any tumult or disorder and to order all individuals or companies
15 to leave the neighborhood of any fire or first aid scene, and to command,

16 (2) Command from the inhabitants of the city, village or town all needful
17 necessary assistance for the suppression of fires and in the preservation of property
18 exposed to fire; the officers above enumerated shall also have authority to go upon
19 and enter,

20 (3) Enter any property or premises and to do whatever may reasonably be
21 necessary in the performance of their the officer's duties while engaged in the work
22 of extinguishing any fire or performing any duties incidental thereto. Such officers
23 shall also have authority to go upon and enter

1 **(4)** Enter any property or premises ~~and to~~ do whatever may reasonably be
2 necessary in the performance of ~~their~~ the officer's duties while engaged in the work
3 of aiding persons or minimizing the loss to property at a first aid scene.

NOTE: Subdivides provision, deletes redundancies and inserts specific references.
“(V)illage” is added for completeness. As created by Chapter 500, Laws of 1929, “village”
was not included, but the enumerated officers are not exclusive to cities and towns and
there is no indication of legislative intent to exclude the operation of this statute in
villages.

4 **SECTION 149.** 213.10 (1) of the statutes is renumbered 213.10 (1m) (a) and
5 amended to read:

6 213.10 **(1m)** (a) The members of the paid fire department in any city ~~heretofore~~
7 ~~or hereafter~~ organized, who comply with the constitution and bylaws of the fire
8 fighters relief association ~~hereinafter mentioned~~ organized in that city, are
9 constituted a body corporate in ~~such~~ that city under the name of “The Fire Fighters
10 Relief Association of the City of,” ~~for the.~~ Except as provided in par. (b), the
11 purpose of a fire fighters relief association shall be giving relief to the sick and
12 disabled members of ~~such~~ the association and their families and to ~~such~~ any other
13 persons as for whom the constitution and bylaws of ~~such~~ the association may provide.
14 ~~Provided, that where~~

15 (b) If a member in good standing at the time of the member's death leaves no
16 ~~one~~ person entitled to relief under the constitution and bylaws of ~~said~~ the association,
17 ~~such~~ the board of trustees of the association is empowered to pay the expenses of the
18 last illness and funeral costs of ~~said~~ the deceased member, ~~the amount to be paid~~
19 ~~hereunder to be~~ limited to a sum to be fixed by the constitution and bylaws of ~~said~~
20 the association.

NOTE: Subdivides provision and renumbers it to accommodate the renumbering of
sub. (7) to (1g) for proper placement of definition, deletes superfluous language and
redundancies and inserts specific references.

1 **SECTION 150.** 213.10 (1g) of the statutes is created to read:

2 213.10 **(1g)** In this section, “members of the paid fire department” means all
3 fire department personnel who are engaged in the duties of fire fighting, fire fighting
4 training and directly related skills, including fire prevention, investigation and
5 inspection.

NOTE: Repositions definition from s. 213.10 (7) for conformity with current style.

6 **SECTION 151.** 213.10 (2) of the statutes is renumbered 213.10 (2) (a) and
7 amended to read:

8 213.10 **(2)** (a) ~~In case any~~ A member of the a fire fighters relief association shall
9 cease for a city who ceases to be a member of such that city’s fire department after
10 a period of ~~ten~~ 10 consecutive years of service therein, that member shall be entitled
11 to all of the advantages and benefits of the fire fighters relief association as long as
12 that member pays dues and complies with the rules, regulations and bylaws of the
13 same; ~~provided, that any~~ association.

14 **(b)** A member of such a fire department fighters relief association for a city who
15 shall, at any time, ~~before having~~ has not served ten as a member of the city’s fire
16 department for 10 consecutive years as aforesaid, ~~be retired on a pension by reason~~
17 ~~of permanent disability due to injuries suffered while in the performance of duties~~
18 ~~as such member, or who shall have been granted a duty disability for injuries suffered~~
19 ~~in like manner and whose actual term of service together with the period of time~~
20 ~~while on duty disability shall bring that member’s period of service to ten years in~~
21 ~~such department,~~ shall be entitled to all of the advantages and benefits of such the
22 fire fighters relief association as long as that member pays dues and complies with
23 the rules, regulations and bylaws of such the association. and meets one of the
24 following criteria:

NOTE: Subdivides provision, reorders text by creating new subdivisions (see the next section of this bill), deletes superfluous language and redundancies, inserts specific references, replaces word form of number with digits and replaces other language for greater readability and conformity with current style.

1 **SECTION 152.** 213.10 (2) (b) 1. and 2. of the statutes are created to read:

2 213.10 (2) (b) 1. The member is retired on a pension by reason of permanent
3 disability due to injuries suffered while in the performance of duties as a member of
4 the fire department.

5 2. The member has been granted a duty disability for injuries suffered while
6 in the performance of duties as a member of the fire department and the member's
7 actual term of service in the fire department, together with the period of time while
8 on duty disability, equals 10 or more years.

NOTE: See the previous section of this bill and its NOTE.

9 **SECTION 153.** 213.10 (3) of the statutes is amended to read:

10 213.10 (3) Each person on becoming a member of said a fire department whose
11 members have formed a fire fighters relief association shall be required to pay the
12 association an initiation fee not exceeding ~~fifty dollars~~ \$50 and annual dues so long
13 as the person remains a member, ~~and that person~~ of the fire department. A person
14 ~~shall be considered to become a member of the association~~ when that person's name
15 is placed on the payroll of such the fire department.

NOTE: Breaks up sentence, replaces word form of number with digits, deletes superfluous language and redundancies and inserts specific references.

16 **SECTION 154.** 213.10 (4) of the statutes is amended to read:

17 213.10 (4) Every such fire fighters relief association shall have all of the usual
18 powers of a corporation necessary and proper for the purpose of its organization, and
19 may take by gift, grant or purchase, real and personal estate property, and hold,
20 enjoy, lease, convey and dispose of ~~the same~~ its property subject to its the
21 association's bylaws and regulations; ~~and all such.~~ All of the real and personal

1 property belonging to an association and the rents, issues and profits thereof from
2 that property shall be devoted solely to the purposes and objects of ~~such corporation~~
3 the association.

NOTE: Breaks up sentence and inserts specific references. Replaces "corporation"
with "fire fighters relief association" or "association" for consistency with the remainder
of the section.

4 **SECTION 155.** 213.10 (5) of the statutes is renumbered 213.10 (5) (a) and
5 amended to read:

6 213.10 (5) (a) The control and disposal of the funds, property and estate and
7 the direction and management of all of the concerns of ~~such corporation~~, under such
8 a fire fighters relief association, subject to any directions and restrictions as that may
9 be imposed by the bylaws thereof of the association, shall be vested in a board of
10 trustees ~~to~~. The board of trustees shall consist of a president, vice president,
11 treasurer, secretary and executive committee of ~~three~~ 3, who shall be elected at such
12 time and place and by such members of the ~~corporation~~ association entitled to vote
13 as shall is provided by the bylaws thereof ~~be entitled to vote at such election of the~~
14 association. The officers so elected shall hold their respective offices for one year,
15 unless the bylaws provide otherwise, and until their successors are elected and
16 qualified; and ~~such corporation~~. An association may elect or appoint such other
17 officers and for such ~~term~~ terms as its bylaws may prescribe. The officers of ~~such~~
18 ~~corporation~~ an association shall give bonds for the faithful performance of their
19 respective duties when required ~~so to do~~ so by the laws thereof association's bylaws.

20 (b) No person shall be elected to or hold any office in ~~such corporation~~ a fire
21 fighters relief association unless the person is in the active employment of the fire
22 department of the city ~~to which this section becomes effective~~, and if the in which the
23 association is organized. If a person's employment with ~~such~~ that city ~~shall be~~ is

1 terminated while holding the office of trustee or the person holds any other office of
2 such ~~corporation~~ the association, the person's term of office shall thereupon be
3 terminated, and the members of such ~~corporation as shall, by the bylaws thereof,~~ be
4 the association who are entitled to vote, as provided in the association's bylaws, shall
5 ~~forthwith~~ immediately elect a successor.

NOTE: Subdivides provision, breaks up long sentences and inserts specific references. Replaces "corporation" with "fire fighters relief association" or "association" for consistency with the remainder of the section.

6 **SECTION 156.** 213.10 (6) of the statutes is amended to read:

7 213.10 (6) The board of trustees of any ~~such corporation~~ a fire fighters relief
8 association may purchase group life insurance for the members of the ~~corporation~~
9 association.

NOTE: Replaces "corporation" with "fire fighters relief association" or "association" for consistency with the remainder of the section.

10 **SECTION 157.** 213.10 (7) of the statutes is renumbered 213.10 (7) (a) and
11 amended to read:

12 213.10 (7) (a) ~~For purposes of this section, "members of the paid fire~~
13 ~~department" means all fire department personnel who are engaged in the duties of~~
14 ~~fire fighting, fire fighting training and directly related skills, including fire~~
15 ~~prevention, investigation and inspection. All other members of such a fire~~
16 ~~department~~ who do not qualify as members of the paid fire department shall, upon
17 commencement of their employment with a city department, have the option of
18 joining such the fire fighters relief association upon ~~commencement of their~~
19 ~~employment with such department; and such~~ in that city.

20 (b) The employees described in par. (a) who are, together with others who are
21 transferred to or are, on March 27, 1969, performing duties other than fire fighting,
22 fire fighting training and directly related skills, including fire prevention,

1 investigation and inspection, shall have the option of continuing their membership
2 in such the fire fighters relief association.

NOTE: The stricken definition is moved to the beginning of section consistent with current style by creating it as 213.10 (1g). Inserts specific references and cross-references.

3 **SECTION 158.** 213.11 (6) of the statutes is amended to read:

4 213.11 (6) The board of trustees of any ~~such corporation~~ police relief association
5 may purchase group life insurance for the members of the ~~corporation~~ association.

NOTE: Replaces "corporation" with "police relief association" or "association" for consistency with the remainder of the section as affected by 1997 Wis. Act (1997 AB-465).

6 **SECTION 159.** 213.12 of the statutes is amended to read:

7 **213.12 Pay.** The common council of any city and the board of trustees of any
8 village which ~~shall own~~ owns a fire engine shall annually pay to each active fire
9 fighter belonging to any fire ~~or hook and ladder~~ company organized by authority of
10 such the city or village ~~such sum as such~~ an amount that the common council or board
11 of trustees ~~shall deem~~ considers a reasonable compensation for the services of such
12 the fire fighter.

NOTE: Replaces language for greater readability and consistency with style.

13 **SECTION 160.** 213.13 of the statutes is renumbered 213.13 (1) (intro.) and
14 amended to read:

15 213.13 (1) (intro.) The Except as provided in subs. (2) and (3), the common
16 council or governing body of every city having a paid fire department shall provide
17 for, and the chief engineer of the department shall assign to, each fire fighter in the
18 service of the city full rest days as follows:

19 (a) In 1st class cities of the ~~first class~~, one full rest day of ~~twenty-four~~ 24
20 consecutive hours during each ~~seventy-two~~ 72 hours; ~~in~~.

1 **(b)** ~~In 2nd and 3rd class cities of the second and third classes,~~ one full rest day
2 of ~~twenty-four~~ 24 consecutive hours during each ~~ninety-six~~ 96 hours; ~~in.~~

3 **(c)** ~~In 4th class cities of the fourth class,~~ one full rest day of ~~twenty-four~~ 24
4 consecutive hours during each ~~one hundred and sixty-eight~~ 168 hours, ~~except in.~~

5 **(2)** The rest day requirements under sub. (1) do not apply in cases of positive
6 necessity by some sudden and serious fire, accident or other peril, which, in the
7 judgment of the chief engineer, or other officers in charge, demands that ~~such a~~ a day
8 of rest ~~be not be~~ given at ~~such~~ that time, but arrangements shall be made so that each
9 full rest day may be had at such time or times as will not impair the efficiency of the
10 department.

11 **(3)** The provisions of this section shall not apply to cities having the ~~two~~ 2
12 platoon or double shift.

NOTE: Subdivides provision and replaces word form of number with digits.

13 **SECTION 161.** 213.15 of the statutes is amended to read:

14 **213.15 Fire hose threads and fittings to be uniform.** All fire hose fittings,
15 apparatus fittings, ~~1 1/2~~ 1.5 and ~~2 1/2~~ 2.5 inches in diameter purchased or procured
16 ~~after December 29, 1963~~ by a fire department or fire company shall be of the national
17 standard hose thread as adopted by the national fire protection association. ~~Any~~ No
18 fire department presently utilizing a nonstandard thread size ~~shall have a period of~~
19 ~~5 years from December 29, 1963 to bring all existing~~ shall utilize hose and equipment
20 ~~into~~ not in conformance with the requirement that all threads shall be national
21 standard hose thread as adopted by the national fire protection association. Any
22 person offering for sale nonstandard hose couplings, fittings or apparatus fittings
23 ~~after December 29, 1963~~ may be fined not less than \$100 nor more than \$500.

NOTE: Deletes obsolete transition language and replaces fractions with decimals consistent with current style.

1 **SECTION 162.** 220.05 (6) of the statutes is renumbered 220.05 (6) (a) and
2 amended to read:

3 220.05 (6) (a) Any bank or trust company holding any property in trust or in
4 any fiduciary capacity or as custodian or bailee shall pay in addition to ~~said~~ the fees
5 and assessments provided for in sub. (2) the actual reasonable cost of any ~~and all~~
6 examinations (~~whether or not they are in excess of 2 in any one year~~) conducted by
7 the division of the books, records and business of ~~said~~ the bank or trust company
8 insofar as they relate to ~~said~~ the property held in trust or other fiduciary capacity or
9 as custodian or bailee, ~~said~~.

10 **(b)** The cost to be paid under par. (a) shall include a fair charge for time of
11 assistants and office overhead ~~and to~~. The cost shall be determined by the division
12 within a reasonable time after each ~~said~~ examination has been completed. A
13 statement of ~~such~~ the charge determined by the division shall be promptly sent to
14 ~~said~~ the bank or trust company. Each ~~such~~ bank or trust company shall pay ~~such~~ the
15 charge within 10 days after receipt of ~~such~~ the statement. ~~Said~~ The cost determined
16 under this subsection shall include the cost of furnishing a copy of the statement to
17 the bank or trust company.

NOTE: Deletes unnecessary parenthetical phrase, subdivides provision, inserts specific references and cross-references and replaces other language for greater readability and consistency with current style.

18 **SECTION 163.** 226.14 (1) of the statutes, as affected by 1997 Wisconsin Act 35,
19 is renumbered 226.14 (1) (a) and amended to read:

20 226.14 (1) (a) No common law trust organized in this state, and no ~~such~~
21 common law trust formed or organized under or by authority of the laws of any state
22 or foreign jurisdiction, for the purpose of doing business under a declaration of trust

1 which shall have issued to 5 or more persons, or which shall sell or propose to sell
2 beneficial interests, certificates or memberships ~~therein~~ in the trust, shall transact
3 business, or acquire, hold or dispose of property in this state until the trustees named
4 in said the declaration of trust ~~shall have caused to be filed~~ with the department of
5 financial institutions the original declaration of trust, or a true copy ~~thereof~~ of the
6 declaration, and all amendments to the declaration which may be made, verified as
7 such having been made by the affidavits of 2 of the signers ~~thereof~~ of each
8 amendment.

9 (b) ~~A like verified copy of the declaration of trust and such amendments verified~~
10 in the manner described in par. (a), and a certificate of the department of financial
11 institutions, showing the date when ~~such~~ the declaration was filed and accepted by
12 the department of financial institutions shall, within 30 days of ~~such~~ filing and
13 acceptance, ~~shall~~ by the department of financial institutions, be recorded with the
14 register of deeds of the county in which ~~such~~ the trust has its principal office or place
15 of business in this state. No ~~such~~ common law trust shall transact business in this
16 state until ~~such~~ the declaration of trust or ~~such~~ verified copy thereof ~~be~~ of the
17 declaration is left for record. The register of deeds shall ~~forthwith~~ immediately
18 transmit to the department of financial institutions a certificate stating the time
19 when ~~such copy~~ the declaration or verified copy of the declaration was recorded and.
20 The register of deeds shall be entitled to a fee of 25 cents ~~therefor~~ for the certificate,
21 to be paid by the person presenting ~~such~~ the papers for record. Upon receipt of ~~such~~
22 the register of deed's certificate, the department of financial institutions shall issue
23 to said the trustees of the trust a certificate of filing.

NOTE: Subdivides provision, inserts specific references and cross-references.

24 **SECTION 164.** 241.03 (1) of the statutes is amended to read:

1 241.03 (1) No ~~land owner-cropper~~ landowner-cropper contract is valid, except
2 between the parties ~~thereto~~ to the contract, unless the contract, subscribed by the
3 parties, describing the premises and containing the entire agreement between the
4 parties, or a copy ~~thereof~~ of the contract, has been filed with the register of deeds of
5 the county where such the premises are located. The register of deeds shall file,
6 endorse, enter and index croppers' contracts filed with the register of deeds in
7 substantially the same manner as provided for financing statements covering
8 security interests in fixtures.

NOTE: Corrects spelling and inserts specific references.

9 **SECTION 165.** 281.47 (2) of the statutes is amended to read:

10 281.47 (2) The city, village or town or the owner of land through which the drain
11 is constructed may apply to the circuit court of the county in which the land is located
12 to determine the damages, if any. No injunction against the use shall be granted
13 until the damages are finally determined and payment refused. Unless within six
14 6 months after the system is completed the owner of the land institutes such
15 proceedings the owner is barred. The proceedings shall be according to ch. 32, so far
16 as applicable.

NOTE: Replaces word form of number with digit.

17 **SECTION 166.** 616.71 (12) of the statutes is renumbered 616.71 (12) (intro.) and
18 amended to read:

19 616.71 (12) (intro.) "Motor club service" means the rendering, furnishing or
20 procuring of ~~towing service, emergency road service, insurance service, bail bond~~
21 ~~service, legal service, discount service, financial service, buying and selling service,~~
22 ~~theft service, map service and touring service, or any three~~ 3 or more thereof, as
23 ~~herein defined~~ of the following, to any person, in connection with ~~the~~ that person's

1 ownership, operation, use, or maintenance, of a motor vehicle ~~by such person~~, in
2 consideration of ~~such other person~~ that person's being or becoming a member of,
3 affiliated with or entitled to membership or other motor club service from any
4 company rendering, procuring or furnishing ~~the same, or being or becoming in any~~
5 ~~manner affiliated therewith, or being or becoming entitled to receive membership or~~
6 ~~other motor club service therefrom~~ those services by virtue of any agreement or
7 understanding with any such company.:

NOTE: Replaces word form of number with digit, inserts specific reference, reorders text, deletes unnecessary language and with the next section of this bill subdivides provision.

8 **SECTION 167.** 616.71 (12) (a) to (k) of the statutes are created to read:

9 616.71 (12) (a) Towing service.

10 (b) Emergency road service.

11 (c) Insurance service.

12 (d) Bail bond service.

13 (e) Legal service.

14 (f) Discount service.

15 (g) Financial service.

16 (h) Buying and selling service.

17 (i) Theft service.

18 (j) Map service.

19 (k) Touring service.

NOTE: See the previous section of this bill.

20 **SECTION 168.** 617.23 (3) (c) of the statutes is amended to read:

1 617.23 (3) (c) *Joint and several liability*. If under pars. (a) and (b) ~~two~~ 2 persons
2 are liable with respect to the same distributions, they shall be jointly and severally
3 liable.

NOTE: Replaces word form of number with digit.

4 **SECTION 169.** 778.09 (1) of the statutes is renumbered 778.09 and amended to
5 read:

6 **778.09 Judgment, costs, commitment of defendant.** Where judgment is
7 recovered pursuant to this chapter it shall include costs and direct that if the same
8 be judgment is not paid the defendant (~~if an individual~~), shall be imprisoned in the
9 county jail for a specified time, not exceeding ~~six~~ 6 months, or until otherwise
10 discharged pursuant to law. The commitment shall issue, as in ordinary criminal
11 actions, and ~~such~~ the defendant shall not be entitled to the liberties of the jail.

NOTE: Replaces parentheses and word form of number with digit. The subsection
number is removed as this section does not have multiple subsections.

12 **SECTION 170.** 779.35 of the statutes, as affected by 1997 Wisconsin Act 27, is
13 amended to read:

14 **779.35 Mining liens.** Any person who ~~shall perform~~ performs any labor or
15 services for any ~~person or corporation~~ employer engaged in or organized for the
16 purpose of mining, smelting or manufacturing ~~iron, copper, silver or other~~ ores or
17 minerals, and any bona fide holder of any draft, time check or order for the payment
18 of money due for ~~any such~~ that labor, issued or drawn by ~~any such person or~~
19 ~~corporation~~ the employer, shall have a lien for the wages due ~~for~~ in the amount due
20 on ~~such~~ the draft, check or order. The lien shall be upon all of the personal property
21 connected with ~~such~~ the mining, smelting or manufacturing industry belonging to
22 ~~such person or corporation~~ the employer, including the ores or products of ~~such~~ the
23 mine or manufactory, ~~together with the machinery and other personal property used~~

1 ~~in the operation of such mine or manufactory and, subject to s. 779.36 (2), all of the~~
2 ~~employer's interest of such person or corporation in any real estate belonging thereto~~
3 ~~and connected with such the mining, smelting or manufacturing business, which~~
4 ~~said. The lien under this section shall take precedence of all other debts, judgments,~~
5 ~~decrees, liens or mortgages against such person or corporation the employer, except~~
6 ~~liens accruing for taxes, fines or penalties and liens under ss. 292.31 (8) (i) and~~
7 ~~292.81, subject to the exceptions and limitations hereinafter set forth contained in~~
8 ~~this subchapter.~~

NOTE: Replaces "person or corporation" with "employer" for consistency with s. 779.36 and for greater clarity, deletes redundant language and inserts specific references and cross-references.

9 **SECTION 171.** 779.36 of the statutes is renumbered 779.36 (1) and amended to
10 read:

11 779.36 (1) ~~The Subject to sub. (2), the lien under s. 779.35 extends only to the~~
12 ~~amount of the interest in the real property held by the employer, and in. In case of~~
13 ~~the employer's death or insolvency, or of the sale or transfer of the employer's interest~~
14 ~~in the works, mines, manufactories or business, ~~or the employer's interest therein~~~~
15 ~~by execution or otherwise, all moneys that may be due for wages to any miner,~~
16 ~~mechanic or laborer shall be a lien upon all said of the property and shall be preferred~~
17 ~~and first paid out of the proceeds of the sale thereof; provided, that no such.~~

18 (2) No claim for wages shall be a lien under s. 779.35 upon any real estate
19 ~~unless it shall be the claim is filed in the office of the clerk of the circuit court of the~~
20 ~~county in which the real estate, upon which a lien is claimed, is situated. The claim~~
21 ~~shall be filed within sixty 60 days after the claim, draft, time check or order upon~~
22 ~~which the claim is founded is due and payable, in the manner that claims for~~
23 ~~mechanics' liens are required to be filed.~~

NOTE: Subdivides provision, brakes up long sentences, reorders text, replaces word form of number with digits and inserts specific references and cross-references for improved readability and conformity with current style.

1 **SECTION 172.** 779.37 of the statutes is amended to read:

2 **779.37 Satisfaction of lien.** If an attachment, execution or similar writ shall
3 be issued against any ~~person or corporation~~ employer engaged in a business as is
4 ~~within~~ described in s. 779.35, any miner, laborer, mechanic or other person who is
5 entitled to claim a lien ~~thereon~~ under s. 779.35 may give notice in writing of the lien
6 claim and the amount ~~thereof~~ of the lien claimed, verified by affidavit, to the officer
7 holding the writ at any time before the actual sale of the property affected ~~thereby~~
8 ~~and the,~~ that is subject to the writ. The officer shall retain out of the sale proceeds
9 ~~of the sale~~ a sufficient sum to satisfy all ~~such~~ lien claims, which sum shall be held
10 by the officer, subject to ~~such~~ the order as of the circuit court may make.

NOTE: Replaces “person or corporation” with “employer” for consistency with s. 779.36 and for greater clarity, breaks up long sentence, deletes redundant language and inserts specific references and cross-references.

11 **SECTION 173.** 779.43 (1) (a) of the statutes is amended to read:

12 779.43 (1) (a) “Boarding house” includes a house or other building where
13 regular meals are generally furnished or served to ~~three~~ 3 or more persons at a
14 stipulated amount for definite periods of one month or less.

NOTE: Replaces word form of number with digit and inserts “other” for clarity.

15 **SECTION 174.** 779.43 (1) (b) of the statutes is amended to read:

16 779.43 (1) (b) “Lodging house” includes any house or other building ~~or part~~
17 ~~thereof~~ where rooms or lodgings are generally rented to ~~three~~ 3 or more persons
18 received or lodged for hire, or any part ~~thereof~~ of a house or other building that is let
19 ~~in which to~~ for sleep at stipulated rentals for definite periods of one month or less,
20 whether any or all ~~such~~ of the rooms or lodgings are let or used for light housekeeping

1 or not, ~~provided~~ except that so-called duplex flats or apartment houses actually
2 divided into residential units shall not be considered a ~~lodging house~~ lodging houses.

NOTE: Replaces word form of number with digit and inserts "other" for clarity.

3 **SECTION 175.** 779.43 (2) of the statutes is renumbered 779.43 (2) (a) and
4 amended to read:

5 779.43 (2) (a) ~~Every~~ Except as provided in par. (b), every keeper of an inn, hotel,
6 boarding house or lodging house shall have a lien upon and may retain the possession
7 of all the baggage and other effects brought into the place by any guest, boarder or
8 lodger, whether the baggage and effects are the property of or under the control of
9 the guest, boarder or lodger, or are the property of any other person liable for such
10 the board and lodging for the proper charges owing such the keeper for board, lodging
11 and other accommodation furnished to or for such a guest, boarder or lodger, and for
12 all moneys loaned, not exceeding ~~fifty dollars~~ \$50, and for extras furnished at the
13 written request signed by the guest, boarder or lodger, until such the charges are
14 paid, ~~and any.~~ Any execution or attachment levied upon such the baggage or effects
15 shall be subject to such the lien given by this section and the costs of satisfying it.
16 ~~But the~~

17 (b) The lien given by this section does not cover charges for alcohol beverages
18 nor the papers of any soldier, sailor or marine that are derived from and evidence of
19 military or naval service or adjusted compensation, compensation, pension, citation
20 medal or badge.

NOTE: Subdivides provision, brakes up long sentences, replaces word form of
number with digits and inserts specific references and cross-references for improved
readability and conformity with current style.

21 **SECTION 176.** 779.49 (1) of the statutes is renumbered 779.49 (1) (a) and
22 amended to read:

1 779.49 (1) (a) ~~Every~~ Except as provided in par. (b), every owner of a stallion,
2 jackass or bull, or semen from ~~such an animal~~ a stallion, jackass or bull, kept and
3 used for breeding purposes shall have a lien upon any dam served and upon any
4 offspring gotten by the animal, or by means of artificial insemination for the sum
5 stipulated to be paid for the service ~~thereof, and of the dam.~~ The owner of the stallion,
6 jackass or bull, used to service, or semen used to artificially inseminate, the dam may
7 seize and take possession of the dam and offspring or either without process at any
8 time before the offspring is one year old, in case the price agreed upon for the service
9 remains unpaid, and sell the offspring at public auction. The sale of the offspring
10 shall be upon 10 days' notice, to be posted in at least 3 public places in the town where
11 the service was rendered, ~~and apply the.~~ The proceeds of the sale shall be applied
12 to the payment of the amount due for the service and the expenses of the seizure and
13 sale, ~~returning the.~~ The residue, if any, shall be returned to the party entitled to it;
14 ~~provided, no.~~

15 **(b)** No lien given under this subsection shall be ~~effectual~~ effective for any
16 purpose as against an innocent purchaser or mortgagee of the offspring or the dam
17 of the offspring for value unless the owner having a claim for the service records with
18 the register of deeds of the county where the owner of the dam served resides a
19 statement showing that the service has been rendered and the amount due for the
20 service.

NOTE: Subdivides provision, breaks up long sentences, reorders text, inserts
specific references and replaces word form of number with digits.

21 **SECTION 177.** 779.49 (2) of the statutes is amended to read:

22 779.49 (2) Any person who sells, disposes of or gives a mortgage upon any dam
23 which to the person's knowledge has been ~~so served~~ by a stallion, jackass or bull, or

1 artificially inseminated with semen owned by another, the fee for which service has
2 not been paid, ~~without giving~~ and who has not given written information to the
3 purchaser or mortgagee of the fact of such the service or artificial insemination, shall
4 be guilty of a misdemeanor and upon conviction shall be fined not more than \$10 or
5 ~~by confinement in the county jail~~ imprisoned for not to exceed more than 60 days.

NOTE: Inserts specific references.

6 **SECTION 178.** 779.50 (1) of the statutes is renumbered 779.50 (1) (a) and
7 amended to read:

8 779.50 (1) (a) Every person who threshes grain, cuts, shreds, husks or shells
9 corn or bales hay or straw by machine for another shall have a lien upon the ~~same~~
10 grain, corn, hay or straw for the value of the services to the extent that the person
11 contracting for such the services has an interest therein in the grain, corn, hay or
12 straw, from the date of the commencement of such the service; ~~and in case such.~~

13 (b) The lien given under par. (a) may be foreclosed at any time within 6 months
14 from the date of the last charge for the services described in par. (a) as long as the
15 charges remain unpaid, the. For the purpose of foreclosing the lien, the lien claimant
16 may take possession of so much of such the grain, corn, hay or straw as shall be
17 necessary to pay for such the services and the expenses of enforcing such the lien, ~~for~~
18 ~~the purpose of foreclosing said lien at any time within six months from the last charge~~
19 ~~for such the services, and sell the same grain, corn, hay or straw at public auction,~~
20 ~~upon. The auction shall be held upon~~ notice of not less than ~~ten~~ 10 nor more than
21 ~~fifteen~~ 15 days from the date of such the seizure of the grain, corn, hay or straw under
22 this paragraph.

NOTE: Subdivides provision, breaks up long sentences, reorders text, inserts
specific references and replaces word form of number with digits.

23 **SECTION 179.** 779.52 (title) of the statutes is repealed.

NOTE: See the next section of this bill.

1 **SECTION 180.** 779.52 of the statutes is renumbered 779.50 (4) (intro.) and
2 amended to read:

3 779.50 (4) (intro.) The costs and expenses of seizure and sale aforesaid under
4 this section shall be: ~~Seizing as follows:~~

5 (a) For seizing grain, corn, hay or straw, ~~fifty~~ 50 cents; ~~posting up.~~

6 (b) For posting each notice, ~~twelve~~ 12 cents; ~~serving.~~

7 (c) For serving each notice of sale, ~~twenty-five~~ 25 cents; ~~for.~~

8 (d) For every copy of such a notice of sale delivered on request, ~~twelve~~ 12 cents;
9 ~~for.~~

10 (e) For each mile actually traveled, going and returning to serve any notice; or
11 to give or to post up notices of sale, ~~ten~~ 10 cents; ~~for.~~

12 (f) For conducting such the sale, ~~fifty of the grain, corn, hay or straw,~~ 50 cents;
13 ~~for.~~

14 (g) For collecting and paying over all sums upon such the sale, ~~five per cent;~~ but
15 ~~in no case shall the whole percentage exceed ten dollars, and all~~ 5% of the sums
16 collected or \$10 dollars, whichever is less.

17 (h) All necessary expenses incurred in taking possession of and preserving any
18 grain, corn, hay or straw ~~and preserving the same as shall be just and reasonable.~~

NOTE: Renumbers provision to be part of s. 779.50, for more logical placement,
subdivides provision, deletes superfluous language, inserts specific references and
replaces word form of number with digits.

19 **SECTION 181.** 779.70 (3) of the statutes is amended to read:

20 779.70 (3) The governing board of such a corporation described in sub. (1) shall
21 declare the assessments so levied under sub. (2) due and payable at any time after
22 ~~thirty~~ 30 days from the date of such the levy ~~and the.~~ The corporation's secretary or

1 other officer shall notify the owner of every lot so assessed of the action taken by the
2 board, the amount of the assessment of each lot owned by such owner and the date
3 ~~such on which the~~ assessment becomes due and payable. ~~Such~~ The secretary shall
4 mail the notice shall be mailed by U.S. mail, postage prepaid, to the owner at the
5 owner's last-known post-office address by the secretary by United States mail, with
6 postage prepaid.

NOTE: Inserts specific references, reorders text and replaces word form of number
with digits.

7 **SECTION 182.** 779.70 (4) of the statutes is renumbered 779.70 (4) (intro.) and
8 amended to read:

9 779.70 (4) (intro.) In the event that the an assessment levied under sub. (2)
10 against any lot remains unpaid for a period of ~~sixty~~ 60 days from the date of the levy,
11 ~~then~~ the governing board of ~~such~~ the levying corporation may, in its discretion, file
12 a claim for a maintenance lien against ~~such~~ the lot at. All of the following apply to
13 a claim for lien under this subsection:

14 (a) The claim may be filed at any time within six 6 months from the date of the
15 levy, ~~such,~~

16 (b) The claim to shall be filed in the office of the clerk of the circuit court of the
17 county in which the lands affected ~~thereby~~ by the levy lie. ~~Such claim for lien~~

18 (c) The claim shall contain a reference to the resolution authorizing ~~such~~ the
19 levy and the date thereof of the resolution, the name of the claimant or assignee, the
20 name of the person against whom the assessment is levied, a description of the
21 property affected ~~thereby~~ by the levy and a statement of the amount claimed. It

1 (d) The claim shall be signed by the claimant or ~~by its~~ the claimant's attorney,
2 and need not be verified, and may be amended, in case of an action is brought, by
3 court order ~~of court~~, as pleadings may be.

NOTE: Subdivides provision, inserts specific references and cross-references and replaces word form of number with digits.

4 **SECTION 183.** 780.04 of the statutes is renumbered 780.04 (1) and amended to
5 read:

6 780.04 (1) In all cases where the owner of any ship, boat or vessel is personally
7 liable for any claim mentioned in s. 780.01, the claimant, the claimant's personal
8 representatives or the claimant's assigns may, in an action against ~~such~~ the owner
9 of the ship, boat or vessel for the recovery of ~~such~~ the claim, have a writ of
10 attachment, by virtue of which all ~~the~~ right and title ~~such~~ that the owner had in ~~such~~
11 the ship, boat or vessel at the time ~~such~~ that the claim accrued or at any time
12 thereafter may be attached to secure the payment ~~thereof~~ of the claim.

13 (2) Before any ~~such~~ attachment ~~shall issue~~ under this section is issued in any
14 ~~such~~ action, the plaintiff or someone in the plaintiff's behalf shall make and annex
15 ~~thereto~~ file in the action an affidavit stating all of the following:

16 (a) That the defendant in the action is indebted to the plaintiff or has a claim
17 or demand against the plaintiff in a ~~sum named~~ specified amount, over and above
18 all legal set-offs.

19 (b) That ~~such~~ the indebtedness owed by the defendant is due for or accrued or
20 arose out of or upon one or more of the causes specified in s. 780.01, specifying ~~it~~ the
21 cause.

22 (c) The name of the ship, boat or vessel, if ~~it have~~ any name, and, if not, then
23 a description of the ~~same as near as may be~~ ship, boat or vessel.

1 (d) That the action in which ~~such~~ the attachment is applied for was commenced
2 within ~~twelve~~ 12 months after ~~such~~ the claimant's debt, demand or claim accrued or
3 became payable, ~~and no other or further.~~

4 (3) No affidavit, except that required under sub. (2), shall be required for the
5 purpose, and except issuance of an attachment under this section.

6 (4) (a) Except as provided in par. (b) or as otherwise provided in this chapter,
7 the proceedings upon such an attachment in an action in the circuit court issued
8 under this section shall be the same as provided in ch. 811, but no.

9 (b) No attachment shall be issued out of the circuit court in any such action
10 under this section unless the amount claimed in such the affidavit shall exceed the
11 sum of one hundred dollars filed under sub. (2) exceeds \$100.

NOTE: Subdivides provision, inserts specific references, deletes superfluous language, reorders text and replaces word form of number with digits.

12 **SECTION 184.** 780.09 (1) of the statutes is amended to read:

13 780.09 (1) Whenever any ship, boat or vessel, or its tackle, apparel or furniture,
14 has been seized by virtue of any attachment issued under ~~the provisions of this~~
15 chapter the defendant or any other person in the defendant's behalf may file with the
16 court ~~from which the same~~ that issued the attachment, at any time before a final
17 judgment, an undertaking with at least ~~two~~ 2 sureties, to the effect that the
18 defendant will pay to the plaintiff on demand any judgment that may be rendered
19 in the plaintiff's favor, not exceeding double the amount claimed by the plaintiff in
20 the affidavit.

NOTE: Inserts specific references, deletes superfluous language and replaces word form of number with digits.

21 **SECTION 185.** 782.08 (1) of the statutes is amended to read:

1 782.08 (1) If the person having the custody of the prisoner is designated, either
2 by name of office, if any, or by the person's name, or if both names are unknown or
3 uncertain the person may be described by an assumed name or title; ~~and any one.~~
4 Anyone who is served with the writ is ~~deemed~~ considered the person to whom it is
5 directed, although it is directed to the person by a wrong name or description or to
6 any other person.

NOTE: Breaks up long sentence, corrects spelling and replaces disfavored term.

7 **SECTION 186.** 782.30 of the statutes is amended to read:

8 **782.30 Order of discharge, how enforced, action for damages.**
9 Obedience to any final order discharging or directing the discharge of any prisoner
10 may be enforced by the court ~~or judge making the same order~~ by attachment, in the
11 manner provided for a neglect to make a return to a writ of habeas corpus and with
12 the like effect in all respects; ~~and the.~~ The person who is guilty of such disobedience
13 of the order shall be liable to the prisoner in the sum of ~~one thousand two hundred~~
14 ~~and fifty dollars~~ \$1,250 for damages, in addition to any special damages ~~such party~~
15 that the prisoner may have sustained.

NOTE: Inserts specific references and replaces word form of number with digits.

16 **SECTION 187.** 782.37 of the statutes is amended to read:

17 **782.37 Penalty for refusing papers.** ~~Any~~ If any officer or other person
18 refusing ~~refuses~~ to deliver a copy of any order, warrant, process or other authority,
19 by which the officer or other person ~~shall detain~~ detains any person, ~~to any one~~
20 anyone who ~~shall demand such~~ demand the copy and ~~tender~~ who tenders the fees
21 ~~therefor~~ for the copy, the officer or other person shall be liable to the person so
22 detained in the sum of \$200 ~~damages~~, to be recovered in an action.

NOTE: Inserts specific references and replaces word form of number with digits.

1 **SECTION 188.** 784.13 of the statutes is amended to read:

2 **784.13** (title) **Judgment if office, etc., franchise or privilege usurped.**

3 When a defendant against whom ~~such an~~ action shall have ~~has~~ been brought ~~under~~
4 this chapter shall be adjudged guilty of usurping or intruding into or unlawfully
5 holding or exercising any office, franchise or privilege, judgment shall be rendered
6 that ~~such the~~ defendant be excluded from ~~such the~~ office, franchise or privilege and
7 also that the plaintiff recover costs against ~~such the~~ defendant. The court may also,
8 in its discretion, fine ~~such the~~ defendant a sum not exceeding ~~two thousand dollars~~
9 \$2,000, which fine, when collected, shall be paid into the treasury of the state.

NOTE: Inserts specific references and replaces word form of number with digits.

10 **SECTION 189.** 786.21 of the statutes is amended to read:

11 **786.21** (title) **Estate of incompetent, lease, etc., of management.** The real
12 estate of an incompetent person shall not be leased for more than ~~five~~ 5 years, or
13 mortgaged or disposed of otherwise than is ~~hereinbefore~~ authorized and directed ~~by~~
14 this chapter.

NOTE: Inserts specific references and replaces word form of number with digits.

15 **SECTION 190.** 788.01 of the statutes is amended to read:

16 **788.01 Arbitration clauses in contracts enforceable.** A provision in any
17 written contract to settle by arbitration a controversy thereafter arising out of ~~such~~
18 the contract, or out of the refusal to perform the whole or any part ~~thereof~~ of the
19 contract, or an agreement in writing between ~~two~~ 2 or more persons to submit to
20 arbitration any controversy existing between them at the time of the agreement to
21 submit, shall be valid, irrevocable and enforceable ~~save~~ except upon such grounds
22 as exist at law or in equity for the revocation of any contract. This chapter shall not
23 apply to contracts between employers and employes, or between employers and

1 associations of employes, except as provided in s. 111.10, nor to agreements to
2 arbitrate disputes under s. 230.44 (4) (bm).

NOTE: Inserts specific references and replaces word form of number with digits.

3 **SECTION 191.** 802.08 (2) of the statutes is amended to read:

4 802.08 (2) MOTION. Unless earlier times are specified in the scheduling order,
5 the motion shall be served at least 20 days before the time fixed for the hearing and
6 the adverse party shall serve opposing affidavits, if any, at least ~~five~~ 5 days before
7 the time fixed for the hearing. Prior to a hearing on the motion, any party who was
8 prohibited under s. 802.02 (1m) from specifying the amount of money sought in the
9 demand for judgment shall specify that amount to the court and to the other parties.
10 The judgment sought shall be rendered if the pleadings, depositions, answers to
11 interrogatories, and admissions on file, together with the affidavits, if any, show that
12 there is no genuine issue as to any material fact and that the moving party is entitled
13 to a judgment as a matter of law. A summary judgment, interlocutory in character,
14 may be rendered on the issue of liability alone although there is a genuine issue as
15 to the amount of damages.

NOTE: Replaces word form of number with digits.

16 **SECTION 192.** 804.05 (7) (b) of the statutes is renumbered 804.05 (7) (b) 1.
17 (intro.) amended to read:

18 804.05 (7) (b) 1. (intro.) Documents and things produced for inspection during
19 the examination of the deponent, shall, upon the request of a party, be marked for
20 identification and annexed to and returned with the deposition, and may be
21 inspected and copied by any party, except that 1) the:

1 a. The person producing the materials may substitute copies to be marked for
2 identification, if the person ~~afford~~ affords to all parties fair opportunity to verify the
3 copies by comparison with the originals, ~~and 2) if; and~~

4 b. If the person producing the materials requests their return, the officer shall
5 mark them, give each party an opportunity to inspect and copy them, and return
6 them to the person producing them, ~~and the.~~

7 2. The original materials copied or returned under subd. 1. may then be used
8 in the same manner as if annexed to and returned with the deposition to the court,
9 pending final disposition of the case.

NOTE: Renumbers provision for consistency with current style.

10 **SECTION 193.** 809.25 (1) (c) of the statutes is amended to read:

11 809.25 (1) (c) A party seeking to recover costs in the court shall file a statement
12 of the costs within 14 days of the filing of the decision of the court. An opposing party
13 may file, ~~within seven~~ 7 days of the service of the statement, a motion objecting to
14 the statement of costs.

NOTE: Replaces word form of number with digits.

15 **SECTION 194.** 814.04 (5) of the statutes is amended to read:

16 814.04 (5) DISBURSEMENTS IN TIMBER TRESPASS. In actions founded upon the
17 unlawful cutting of timber, or ~~such~~ unlawful cutting of timber and its conversion, or
18 ~~such~~ unlawful cutting of timber and its unlawful detention, when the value of ~~such~~
19 the timber or the damages recovered exceeds ~~fifty dollars~~ \$50, full costs shall be
20 recovered by the plaintiff, ~~and there shall be included therein.~~ The recoverable costs
21 shall include the actual reasonable expense of one survey and ascertainment of the
22 quantity of timber cut, made after the commencement of the action, by one surveyor

1 and one assistant, if proved as a necessary disbursement. ~~And the~~ The defendant
2 shall recover like costs in the same manner in case the plaintiff is not entitled to costs.

NOTE: Breaks up long sentence, replaces word form of number with digits and inserts specific references.

3 **SECTION 195.** 814.131 of the statutes is amended to read:

4 **814.131 Taxing costs on compulsory references.** In all cases of
5 compulsory reference ~~wherein~~ in which the fees claimed by the referee shall exceed
6 ~~fifty dollar, such \$50, the~~ fees shall not be allowed until a hearing is had ~~thereon on~~
7 the fees, upon ~~ten~~ 10 days' notice to the district attorney of the county, accompanied
8 by a copy of the bill.

NOTE: Replaces word form of number with digits and inserts specific references.

9 **SECTION 196.** 814.28 (2) of the statutes is amended to read:

10 814.28 (2) ORDER FOR SECURITY. Upon proof by affidavit entitling the defendant
11 ~~thereto to security for costs,~~ the court ~~or judge~~ shall order the plaintiffs to file security
12 for costs in a sum ~~therein~~ mentioned in the affidavit, not less than ~~two hundred and~~
13 ~~fifty dollars~~ \$250, within ~~twenty~~ 20 days after the service upon ~~them~~ the plaintiffs
14 of a copy of ~~such~~ the order requiring the security for costs, and that all proceedings
15 on the part of ~~such~~ the plaintiffs be stayed until security is filed.

NOTE: Replaces word form of number with digits and inserts specific references.

16 **SECTION 197.** 815.44 (1) of the statutes is amended to read:

17 815.44 (1) WHO MAY ACQUIRE. In case the premises sold on execution or any part
18 of them ~~shall~~ are not be redeemed within the year prescribed by ss. 815.39 and 815.40
19 then the interest of the purchaser may be acquired within ~~three~~ 3 months after the
20 expiration of the redemption period by the persons and on the terms prescribed in
21 this section.

NOTE: Replaces word form of number with digits.

1 **SECTION 198.** 815.55 of the statutes is amended to read:

2 **815.55 Execution sale; deed when to issue; limitation.** If after the
3 expiration of ~~fifteen~~ 15 months from the time of the sale of any real estate upon
4 execution any part of the premises sold shall remain unredeemed, the sheriff of the
5 county in which such ~~the~~ the real estate is situated shall, on demand, execute a deed of
6 for the unredeemed premises unredeemed to the person entitled thereto, ~~which to~~
7 the deed. ~~The deed shall convey all of the right, title and interest which was sold upon~~
8 ~~such the execution.~~ But no such, except that no deed shall be issued after twenty 20
9 years from the date of the sale.

NOTE: Replaces word form of number with digits and inserts specific references.

10 **SECTION 199.** 815.64 of the statutes is renumbered 815.64 (1) and amended to
11 read:

12 **815.64 (1)** When any judgment debtor or person claiming under the judgment
13 debtor shall have has redeemed the lands or any part thereof of or interest therein
14 in the lands sold on execution the person or officer to whom the redemption money
15 was paid shall execute, acknowledge and deliver to the redeemer a certificate,
16 attested by ~~two~~ 2 witnesses, stating containing all of the following:

17 (a) A statement of the fact of such the redemption, the.

18 (b) The date thereof, the of the redemption.

19 (c) The amount of money paid, with a to redeem the lands or interests in lands.

20 (d) A description of the lands or interests therein in the lands so redeemed.

21 ~~Such certificates~~

22 (2) A certificate executed under sub. (1) may be recorded in the office of the
23 register of deeds of the county in which the lands are situated, and shall be
24 presumptive evidence of the redemption of the lands ~~therein~~ described in the

1 ~~certificate from such~~ the execution sale and from the lien of the judgment by virtue
2 of which ~~such~~ the execution sale was made.

NOTE: Subdivides provision, replaces word form of number with digits and inserts specific references.

3 **SECTION 200.** 846.01 of the statutes is renumbered 846.01 (1) and amended to
4 read:

5 846.01 (1) ~~In~~ Except as provided in sub. (2), in actions for the foreclosure of
6 mortgages upon real estate, if the plaintiff recover, the court shall render judgment
7 of foreclosure and sale, as ~~hereinafter~~ provided in this chapter, of the mortgaged
8 premises or ~~such part thereof~~ so much of the premises as may be sufficient to pay the
9 amount adjudged to be due upon the mortgage and obligation secured ~~thereby~~ by the
10 mortgage, with costs. ~~But such judgment~~

11 (2) A judgment of foreclosure and sale shall not be entered until twenty 20 days
12 after the lis pendens has been filed.

NOTE: Subdivides provision, replaces word form of number with digits and inserts specific references.

13 **SECTION 201.** 893.26 (4) (b) of the statutes is amended to read:

14 893.26 (4) (b) Where it has been protected by a substantial ~~inclosure~~ enclosure;

NOTE: Inserts preferred spelling.

15 **SECTION 202.** 893.26 (4) (c) of the statutes is amended to read:

16 893.26 (4) (c) Where, although not ~~inclosed~~ enclosed, it has been used for the
17 supply of fuel or of fencing timber for the purpose of husbandry or for the ordinary
18 use of the occupant; or

NOTE: Inserts preferred spelling.

19 **SECTION 203.** 893.26 (4) (d) of the statutes is amended to read:

20 893.26 (4) (d) Where a known farm or single lot has been partly improved the
21 portion of the farm or lot that is left not cleared or not ~~inclosed~~ enclosed, according

1 to the usual course and custom of the adjoining country, is ~~deemed~~ considered to have
2 been occupied for the same length of time as the part improved or cultivated.

NOTE: Inserts preferred spelling and replaces disfavored term.

3 **SECTION 204.** 943.205 (5) of the statutes is amended to read:

4 943.205 (5) This section does not prevent ~~any one~~ anyone from using skills and
5 knowledge of a general nature gained while employed by the owner of a trade secret.

NOTE: Inserts preferred spelling.

6 **SECTION 205. Nonstatutory provisions.**

7 (1) RECONCILIATION PROVISION. If 1997 Assembly Bill 465 is not enacted into law,
8 the treatment of section 213.11 (6) of the statutes by this act is void.

9 (END)